

# Public Records Advisory Council

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## Appraisal Subcommittee

### Appraisal Project Summary Report: RDA for Emergency Services Functions

#### BACKGROUND

A working group of the RIMPA Emergency Services SIG has worked with PROV to develop a new draft Retention and Disposal Authority (RDA) for records of the emergency services sector agencies plus records concerning the provision of relief and recovery services after an emergency event.

Agencies participating in the project include the Victorian State Emergency Services (VicSES), Metropolitan Fire Brigade (MFB), Victoria Police, Ambulance Victoria (AV), Country Fire Authority (CFA) and Department of Environment Land, Water and Planning (DELWP)<sup>1</sup>.

Ongoing authorisation for the disposal of records of the emergency services function has been in place for some time through various RDAs, see below. The new RDA will streamline disposal authorisation ensuring a consistent approach across the sector and replace the existing agency specific RDAs through a gradual adoption process, upon expiry of each specific RDA.

#### COMMENT

##### Scope

The aim of the RDA, once issued as a Standard, is to specify records of the emergency services sector that are required as State Archives and to provide for the lawful disposal of records not required permanently after specified periods.

This RDA will authorise the disposal of records created and held by Victorian emergency services agencies which are subject to the *Public Records Act 1973*, primarily the first response agencies and agencies responsible for the provision of relief and recovery services to communities and individuals impacted by emergencies and disasters. These agencies include the VicSES, CFA, MFB, AV, the DELWP including Parks Victoria, Victoria Police (partially), and the Department of Health and Human Services (DHHS) in their respective role as a designated "control agency" by the Emergency Management Manual (i.e. for fire explosion, natural event, accidents, environmental, rescue, and search emergencies).

The current state of disposal coverage in the sector is as follows:

- PROS 01/02 Metropolitan Fire Brigade Board (expired 2016)
- PROS 10/08 Ambulance Victoria (expires 2020)
- PROS 10/11 Country Fire Authority (expires 2020)

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<sup>1</sup> Emergency Management Victoria was apprised of the RDA project and participated in the Working Group for a short period. However personnel changes at EMV meant that it was unable to participate in the Working Group for the entire project period. It was EMV included in project communications and updates as was the RIMPA Emergency Services SIG via the project's working group.

- PROS 11/05 Bushfire Recovery and Reconstruction (expires 2021)
- PROS 13/02 Emergency Services Telecommunications Authority (expires 2023)
- VICSES - no current coverage

The following sectors/agencies have some emergency services responsibilities and can continue to use their own specific RDA. They may be included within the scope of the new RDA at some future point if deemed applicable post appraisal:

- Local government (PROS 09/05 Local Government RDA)
- Water and catchment authorities (PROS 12/06 Water Authorities RDA)
- Department of Employment, Jobs, Transport and Resources (recovery and assistance services)
- Environment Protection Authority (PROS 02/03)
- VicRoads (PROS 10/05).

### Out of Scope

Agricultural emergencies which fall under the remit of the Department of Economic Development, jobs, Transport and Resources were not included. Extension to include further agencies such as Biosecurity or DEDJTR's essential services responsibilities will be managed over time through an application and appraisal process through which agencies demonstrate the suitability of the RDA for their context and remit

Records of high level oversight of all emergency management in Victoria (currently the responsibility of Emergency Management Victoria (EMV)) are covered by PROS 15/06 Emergency Management Function.

The unique policing and crime investigation functions of Victoria Police are out of scope of this project; refer to PROS 10/14.

## **Administrative and Functional Context**

As required by the *Emergency Management Act 2013*, the Emergency Management Victoria (EMV) Manual identifies the control agencies and the key support agencies for response.

The structure of the RDA aligns with the structure of the EMV Manual, providing a useful and practical way to understand, describe, and appraise the functions, activities and records created by the emergency services sector and aligns the RDA with the sector's own vocabulary and concepts.

The functions are therefore described as:

- Prevention/mitigation/risk reduction activities [before an event]
- Response activities [during an event]
- Relief and recovery activities [after an event]

## **Appraisal Recommendations**

Each function has been appraised in the light of the *Appraisal Statement for Public Records required as State Archives*, which specifies the characteristics of records typically required for permanent retention.

Compliance with statutory and regulatory requirements, risk should the information not be available when required, operational needs, and support of public interest have all been key considerations underpinning the appraisal.

PROS 10/11 Country Fire Authority RDA was used as a starting point given that it is both the most recent RDA and was assessed to have general application across the sector. From that point the activities and classes were “rolled up” and described in the terms promoted across the sector in the EMV Manual. A summary of the outcomes for each function is set out below.

### Prevention, mitigation and risk reduction

This function covers the development of measures used to minimise the impact of emergencies on Victorian communities, through prevention, preparedness, education and protection activities.

Emergency management strategies, plans and procedures are recommended for permanent retention as evidence of actions planned to protect the safety of Victorian citizens, and to support agency accountability. Integrated planning records are also recommended for permanent retention to align with recommendations of the 2009 Victorian Bushfires Royal Commission. Final approved Community Safety Plans are also recommended for permanent retention as well as records that provide evidence of the State’s intellectual property (IP), through records of research, design, modification, patents and IP of fire and emergency equipment.

Records documenting the fire protection systems (which become redundant as systems are replaced in buildings); monitoring and assessment of property and dangerous goods; safety inspections; statutory planning advice; and municipal fire prevention plans are recommended for long-term temporary retention of 30 years after administrative use has concluded to support agency accountability and protection of the community.

Shorter-term temporary records (15 year retention) are those which document exercises and drills; inspection of brigades; communications (radio frequency licenses, register of radio channels, and allocation and consent to use radio channels); and fire equipment. Fifteen years post conclusion of administrative use is considered sufficient to support accountability and evidentiary requirements.

Records recommended for short term (seven year) retention post conclusion of administrative use include equipment acquisition, maintenance and disposal; planning and evaluation of pre-planned events and routine exercises; community safety program materials, pre-season briefings, regional readiness plans and fuel break development.

### Response

This function covers activities undertaken while responding to emergency events.

All incidents are managed under the Australian Inter-service Incident Management System (AIIMS) which provides a structure of clear delegation to ensure that incident control, operations, planning and logistics, are adequately performed. The comprehensive nature of the records captured during an incident provides evidence which can be drawn on for operational, legal, preparedness and historical reference.

Typical records include warnings, reporting of emergency incidents, real time response planning, including investigations into the cause of emergency events, operational performance briefing and final reports. These records substantiate actions taken, accountabilities and the agency performance in protection of the community.

Records of this function have been appraised in accordance with the impact of the emergency event. By their nature, significant emergencies have a major impact on communities and the organisations involved in remediating the causes and minimising the effects. It is likely that the event's causes and effects and, indeed, the responses to these will be analysed and reported on into the future in the form of formal inquiries and investigations and coronial inquests. This will be done initially to, perhaps, apportion responsibility and ensure that the State generally, and emergency service organisations specifically, are better prepared to handle future events. With the passing of time, however, it may also provide a valuable historical point of view into events that had a significant impact on the community at large. Emergencies that reach the classification of Code Red, result in death and serious injury, cause significant community disruption or are suspicious in nature are recommended for permanent retention whereas emergencies that have less significant impact may be disposed of after a lesser period, 15 years after last action is recommended.

Other records that are not required as State archives relate to responses to emergency events which involved exposure to asbestos and other highly hazardous materials (100 year retention) (aligning with the retention requirements of multiple disposal precedents relating to exposure to hazardous material); provision of critical care clinical advice, and treatment and observation of a patient (30 year retention) (i.e. typically records created by Ambulance Victoria); those events which did not cause significant community disruption, death or serious injury, and were not suspicious in nature, including codes orange, green and white (15 year retention); routine notifications and advice received by an emergency services agency, attendance at incidents with a false alarm, pre-planned invitation activities (7 year retention). Pre-existing disposal authorities, including PROS 10/08 RDA for Ambulance Victoria have been used to guide retention recommendations.

#### Relief and recovery

This function covers the formulation of measures to recover from an emergency events and foreseen incidents that occur.

Permanent retention records include those covering incidents which result in a reportable death, as defined by the *Coroners Act 2008*, to ensure the entire 'story' of an incident is retained. It includes a copy of the final investigative report and records documenting changes made to processes and procedures as a result of the investigation. Evidence collected is vital to determining the cause of death, as well as to provide information to the family of the deceased. This recommendation aligns with disposal of investigations into workplace deaths records (which are reportable deaths under the *Coroners Act 2008*) authorised by PROS 07/01.

Records appraised as temporary include those of incidents which cause serious injury and incapacity, and therefore may result in civil action, legal case and risk management changes (50 years); case management provided to people affected by emergency events and disasters, to assist them in accessing resources to aid recovery (15 years); and weekly/monthly reporting on recovery activities, management of relief operations, and property clean-up and demolitions (7 years).

#### Ambulance Subscription Scheme

A section to cover the records of Ambulance Victoria (AV) Subscription Scheme is included as the last function. In the emergency services context the scheme is unique to AV and it was easiest to cover the records in a discrete function.

#### Consequential Amendments to PROS 07/01

The appraisal project caused PROV to reconsider the caveats and limitations placed on the application of PROS 07/01 RDA for Common Administrative Functions when issued back in 2007, for example the exclusion of the MFB fleet from Function 6.0.0 Fleet Management. Recent appraisal concluded that the retention periods of PROS 07/01 were reasonable for the specialist fleet of emergency services agencies and therefore exclusions of this type have been removed from PROS 07/01, reducing duplication of disposal classes across disposal authorities<sup>2</sup>.

## **Stakeholder Consultation**

Stakeholders from the emergency services sector had opportunity to provide input and feedback during the research and drafting process. The RDA and appraisal summary were published on the PROV website for a four week period to provide broader opportunity to comment. Stakeholders contacted directly for feedback, including the Inspector-General for Emergency Management and Emergency Management Victoria, are listed in attachment one.

Feedback was received from Emergency Management Victoria; Ambulance Victoria; the Department of Environment, Land, Water and Planning (DELWP); the Department of Health and Human Services (DHHS); Maritime Safety Victoria; the Department of Justice and Regulation (DJR) and the MFB. Although approached directly by PROV the Inspector-General for Emergency offered “no comment”.

Overwhelmingly comment received was positive - noting that retention times were adequate to meet organisational need and community expectations. The “rolled up” class approach is welcomed by government agencies to streamline sentencing. A small quantity of “gaps” in coverage were identified and incorporated into the draft RDA after consideration by the Working Group.

PROV is comfortable that the recommended retention periods satisfy administrative and regulatory requirements and align with the PROV *Appraisal Statement for Public Records required as State Archives*.

## **RECOMMENDATION**

That PRAC Appraisal Subcommittee:

- Endorse the Appraisal Summary Report for the RDA for Records of the Emergency Services Functions
- Recommend that the draft RDA be submitted to the Keeper of Public Records for approval.

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<sup>2</sup> This approach is consistent with an objective of the PROV Remodelling Disposal Program to extend and re-use pre-existing disposal authorities as much as possible.