



VICTORIA POLICE

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Coroner Darren Bracken
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Subject: Max Edward Loweke - Finding into death with inquest
Court Reference: COR 2016 0059
Date of Recommendations: 8 December 2021

Dear Coroner Bracken

Victoria Police response to recommendations arising from the finding into the death of Max Edward Loweke

Victoria Police has necessarily engaged with the Victoria State Emergency Service (VicSES) in responding to your recommendations that were jointly directed to both agencies arising from the finding into the death of Max Edward Loweke, delivered on 8 December 2021. This correspondence reflects the position of Victoria Police and I understand the Chief Officer Operations will provide a response on behalf of VicSES.

At the outset, Victoria Police acknowledges the steps undertaken by the Mitchell Shire Council noted in the finding at paragraph 90. Victoria Police considers that these initiatives have significantly contributed to reducing the likelihood of a similar incident occurring in the future, and enable the enhancements regarding control arrangements outlined in this response to be more effective.

RECOMMENDATION A

Victoria Police and Victoria State Emergencies Services consider augmenting emergency management training to provide that when an emergency ("The Emergency") is being managed by the provisions of the Emergency Management Act ("the Act") and The Emergency Management Manual ("the Manual") that all organisations and personnel involved be explicitly informed that The Emergency is being managed pursuant to the Act and The Manual and of:

(i) which organisation is the Control Agency.

(ii) the names of those appointed to or adopting defined roles for the purposes of managing the Emergency such as the Incident Controller (or in the case of Victoria Police the Police Commander and Police Forward Commander), Incident Emergency Response Team, Incident

Emergency Response Coordinator, Municipal Emergency Response Coordinator, the Municipal Emergency Response Officer etc.

(iii) at meetings conducted within and across organisations involving those referred to in ii above, the meetings be explicitly declared as Emergency Management Team Meetings, minuted and that such minutes list the names of people appointed to or adopting the defined roles referred to in ii above.

Response: An alternative to Recommendation A has been implemented by the State including Victoria Police.

Changes to the emergency management regime since January 2016

In 2018, amendments were made to the *Emergency Management Act 2013* (the **Act**), requiring the Emergency Management Commissioner to arrange for the preparation of a State Emergency Management Plan.

The Emergency Management Manual Victoria (**EMMV**) ceased to have effect on 1 December 2020 and was replaced by the Victorian State Emergency Management Plan (**SEMP**). The SEMP can be found online at: <https://www.emv.vic.gov.au/responsibilities/semv>.

The SEMP is an integrated, coordinated and comprehensive plan, which has incorporated a range of initiatives to make the Emergency Management (**EM**) structure clearer. Key initiatives under the SEMP include (but are not limited to):

- the Control Agency is determined by the major effect of the emergency, and can change according to any change in major effect¹;
- the early formation of an Emergency Management Team (**EMT**) which is designed to clarify the roles of agencies and associated personnel; and
- if more than one agency could potentially be the Control Agency, the agencies' officers in charge will, by agreement, nominate the Control Agency as the single line of control².

The SEMP has also been subject to ongoing review and enhancement in response to recommendations arising from the Inquiry into the 2019-2020 Victorian Fire Season and a further review initiated in 2021 by Emergency Management Victoria (**EMV**).

In addition, Victoria Police continues to improve EM policies and training in response to the findings and recommendations arising from the various recent inquiries into largescale emergencies in Victoria and Australia, in particular the 2019/20 Victorian bushfires and the June 2021 Victorian severe weather event.

Recommendation A: Overarching response

It is important to note that almost all incidents Victoria Police attends are classified as 'emergencies' under the Act.

Whilst Victoria Police continues to advance their training as to the importance of ensuring that effective control has been established, communicated and maintained, Victoria Police considers it is

¹ SEMP, page 50.

² SEMP, page 49.

not feasible to seek to ensure all organisations and personnel be informed of the matters set out in sub-sections (i) and (ii) of Recommendation A at all times. Dynamic emergency situations, including large scale multi-agency emergency responses, inherently give rise to frequently changing circumstances and require sufficient flexibility to alter response arrangements at a local level.

The enhancements outlined in this response seek to meet the intent of the recommendation, that is to establish and maintain effective control and timely communication in emergency situations.

Recommendation A(i)

Implementation - Victoria Police

Since Mr Loweke's death in January 2016, there has been an ongoing capability uplift across Victoria Police focussing on EM and Critical Incident Management (**CIM**) training. There is now much greater emphasis placed on the early identification of the Control Agency.

EM and CIM training is delivered to Victoria Police from Constable to Inspector level, commencing at the recruit program and then upon promotion. The training packages are more rigorous than was provided in 2016, with a particular emphasis on control, coordination and response. A reform project is also underway to examine periodical EM training to all members regardless of rank or promotional status. VICSES is involved in the Sergeant development program in providing insights and case studies relating to its roles and responsibilities as a Control Agency.

On 29 December 2021, the Victoria Police Manual - Emergency Management Response (**VPM-EMR**) was updated to reflect the introduction of the SEMP and the revocation of the EMMV and the State Emergency Response Plan.

Police members must comply with the VPM-EMR, which must be read in conjunction with the SEMP and the Victoria Police Emergencies Handbook (the **Handbook**). A copy of the current VPM-EMR is **enclosed** and marked **Annexure 1**. A copy of the current Handbook is **enclosed** and marked **Annexure 2**.

The VPM-EMR mandates that the Emergency Response Coordinator (**ERC**) must ensure that appropriate Control and Support Agencies are engaged and/or in attendance, and that effective control has been established and is maintained in line with the SEMP.³ This requirement is reinforced in training, as described in response to Recommendation B.⁴

Police members are expected to communicate the identity of the Control Agency (and their own role) via on air directions. Whilst other agencies do not have access to Victoria Police on air directions, the Control Agency is communicated to other agencies at the EMT meeting.

Recommendation A(ii)

Implementation - Victoria Police

In all emergencies, Victoria Police members are trained to take charge, and to clearly communicate their role both on scene and on air. The VPM-EMR reinforces this requirement.⁵ Police

³ VPM-EMR, Section 5.2, page 17.

⁴ Relevant training is set out in the Table at Appendix A in the response below to Recommendation C.

⁵ VPM-EMR, Section 2.2, page 5.

Communications (D24) also prompt members to provide this information if it is not communicated to them at first instance.

In December 2019, interchangeable EM identification patches for use on new ballistic vests were rolled out to frontline supervisors, with additional patches available to order as required. The patches can be affixed to the front and back of a ballistic vest, clearly identifying the roles of Police Commander (PC), Police Forward Commander (PFC) (which is the equivalent role to Incident Controller for Class 1 Emergencies) and ERC. A photograph of the patches is **enclosed** and marked **Annexure 3**.

The use of tabards (which also clearly identify the members' roles) is also recommended and reinforced during EM training.

In addition, the names of members appointed to these roles are communicated to other agencies at the EMT meeting.

Victoria Police considers that the above measures are sufficient to ensure that those members appointed to EM roles are clearly identifiable within Victoria Police, to other agencies and to people at the scene of an emergency.

Recommendation A(iii)

Implementation - Victoria Police

Victoria Police (and other agencies) conduct EMT meetings in a range of locations and conditions, including fires, floods and on roadways. Having regard to the dynamic nature of emergency situations, Victoria Police does not support a requirement that EMT meetings be conducted in a prescriptive manner.

The VPM-EMR and Handbook make it clear that if Victoria Police is the Control Agency in a multi-agency response, the PFC must establish and lead the EMT or delegate this responsibility to a Deputy PFC.⁶

Victoria Police EM training also provides that an EMT meeting must be clearly documented (ie. recorded in a member's diary or day book) and minuted.⁷ In addition, through technology, police have alternative means to document EMT meetings including the use of electronic devices installed in police vehicles and body worn cameras.

Police members are trained to consider recording EMT meetings using their body worn camera. Where it is not possible to make written notes, the body worn camera may be used to make a digital record of briefings, initial action plans, on air briefings, tactical briefings or safety briefings, as directed by the PFC or PC.

Victoria Police considers that the above measures are sufficient to ensure that an EMT meeting, and the roles of those in attendance, are adequately recorded.

RECOMMENDATION B

⁶ VPM-EMR, Section 2.3, page 6; Handbook, Part A, page 23.

⁷ Relevant training is set out in the Table at Appendix A in the response below to Recommendation C.

Those employees of emergency services who may adopt the role of Incident Controllers, and in the case of Victoria Police those who may fulfil the role of Police Commander and Police Forward Commander undergo formal risk assessment training.

Response: This recommendation has already been implemented.

Victoria Police has continued to invest in strengthening the development and application of risk assessment in emergency response settings. Details of these initiatives are outlined below.

Additionally, the revisions to the operations policy and doctrine noted in the response to Recommendation A emphasise the central tenant of risk assessment in emergency response settings.

Implementation - Victoria Police

Victoria Police supports this recommendation. However, upon a review of the Victoria Police training sessions and programs already in place, it is considered that the risk assessment training already provided reflects the intent of the recommendation.

Victoria Police members from Constable to Inspector level undertake a number of formal training programs which include risk assessment training, described in detail in the table at **Appendix A**.

As set out in the table at Appendix A, comprehensive and specific training is also provided in relation to On Air Directions and Incident Action Plans, which are critical parts of the risk assessment framework at Victoria Police. Relevant template documents are also available including:

- On Air Direction
- Incident Action Plan

In addition to the information provided in the VPM-EMR⁸, specific training is provided in relation to the roles of PC and PFC in the training marked with an asterisk in the table. As noted in Recommendation A, a reform project is also underway to examine periodical EM training to all members regardless of rank or promotional status.

Operational safety and tactics training (**OSTT**) is also delivered to all operational members and Police Custody Officers biannually. Training in systems for members to identify, assess and control risk are a continual component of OSTT. At the State and Regional level, OSTT pertinent to the roles performed by the PC and PFC is undertaken.

In 2010, Incident Command and Control Systems (**ICCS**) training was also introduced as a direct result of the Black Saturday Bushfires. ICCS is a system that continues to be used by Victoria Police (and other first responders) to effectively manage an emergency or an incident. The PC and PFC under ICCS is the equivalent of the Incident Controller under the SEMP and Australasian Interservice Incident Management System (**AIIMS**) used by emergency services.

RECOMMENDATION C

Victoria Police and Victoria SES and other relevant parties engage in regular practical exercises – mock emergencies, conducted in a realistic fashion and including in regional areas rehearsing the

⁸ VPM-EMR, Sections 2.2 - 2.5, pages 5 - 8.

implementation and use of the EMMV management structure in the circumstances of various forms of emergencies

Response: This recommendation has already been implemented.

Implementation: Victoria Police supports this recommendation and note that prior to the COVID-19 pandemic, multi-agency exercises were occurring across the State once or twice every month. Since the COVID-19 pandemic, there have been limited opportunities to participate in face-to-face exercises, however, Victoria Police and VICSES have continued to collaborate to conduct exercises (in person and virtually).

The value of engaging in practical exercises is recognised by Victoria Police. The lessons which are identified through training exercises are used to inform future EM training packages. Exercising has continued in 2020/21 and, as recently as May 2022, Victoria Police and emergency services undertook an exercise relating to a large-scale emergency event. A storm exercise will also be conducted in August / September 2022 in the Hume Region to exercise the escalation of a storm event.

Other recent EM training exercises include:

- Exercise "That Will Never Happen" - conducted in October 2020, which involved the evaluation of the operation of an Emergency Relief Centre in a COVID-19 environment in the Hume region. Attendees included Victoria Police, VICSES, the Department of Health and Human Services and representatives of local government areas and alpine resort management boards. A copy of the Exercise report is **enclosed** and marked **Annexure 4**.
- Exercise Stones - conducted in November 2020, which involved the formation of a Level 3 ICC in the context of a flood and storm exercise. Attendees included Victoria Police, VICSES, Country Fire Authority (CFA) and the Department of Environment, Land, Water and Planning. A copy of the Exercise Stones report is **enclosed** and marked **Annexure 5**.
- Exercise GOR - conducted in December 2021, which involved the formation of a Level 3 ICC at Geelong in the context of severe fire danger ratings. Attendees included Victoria Police, VICSES, Forest Fire Management Victoria, CFA and the Geelong City Council.
- Disaster exercise, evacuation of Halls Gap - This exercise was based on the real time evacuation of Halls Gap and how the issues which were identified in the After Action Review would be addressed in today's environment.
- Exercise Shudder - conducted in May 2022, which involved an exercise with Victoria Police, VICSES, and Fire Agencies relating to a major earthquake event. Led by Victoria Police, the aims included increasing Victoria Police's understanding of its co-ordination responsibilities under the earthquake sub-plan and/or when responding to building collapse, and to increase Victoria Police's understanding of the roles and responsibilities of specific agencies and individuals under the earthquake sub-plan.

In addition to multi-agency exercises, Victoria Police essentially 'exercise' after every real time response by virtue of conducting an After Action Review.

Over the past three years, the State Emergencies and Support Command of Victoria Police and EMV has also undertaken Pre-Seasonal Winter briefings each year, which focus on seasonal risks. These briefings are delivered to police regions as well as Transit and Public Safety Command and to Fire

Agencies and VICSES. On average, up to 400 Victoria Police members attend with around 1,000 Fire and VICSES personnel.

Since this incident, there has also been ongoing engagement with the Municipal Emergency Management Planning Committee to ensure an improved and shared understanding between Mitchell Shire, Victoria Police and VICSES of command control and coordination arrangements.

Recent response to storm events during November 2021 to January 2022 tested the local arrangements and showed improved connectivity across agencies.

Yours sincerely,



Shane Patton APM
Chief Commissioner of Victoria Police

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1. *Annexure 1: Victoria Police Manual - Emergency Management Response.*
2. *Annexure 2: Victoria Police Emergencies Handbook.*
3. *Annexure 3: Photographs of interchangeable identification patches for use on new ballistic vests.*
4. *Annexure 4: Report - Exercise "That Will Never Happen".*
5. *Annexure 5: Exercise Report - Exercise Stones.*
6. *Annexure 6: Flood Activation Considerations and Triggers and Storm Activation Considerations and Triggers.*