

IN THE MATTER OF

THE BOARD OF INQUIRY INTO THE MCCRAE LANDSLIDE

Statement of Daniel John Harper

I, **Daniel John Harper** of 1 Spring Street Melbourne, Public Servant, say as follows:

1. I am the Lead Director, Emergency Coordination, Resilience and Local Government Emergencies, within the Department of Government Services (**DGS**) (**Lead Director**). I am also presently an Acting Deputy Secretary of DGS. Since 1 January 2023, when DGS was formed, I was placed in the Lead Director role which has responsibility for overseeing all the Department's emergency management responsibilities. I retained my existing responsibilities as the Director for Local Government emergencies.
2. I was previously Director of Local Government, Emergencies with the Department of Jobs, Precincts and Regions (**DJPR**). Since 2009, I have worked in Emergency Management and have supported all major emergencies across the State.
3. I hold a Bachelor of Business, specialising in Commerce.
4. I make this witness statement in response to a "Request to produce witness statement" from the Board of Inquiry dated 4 April 2025, addressing the "First List of Questions" (as clarified by further correspondence to and from the Solicitor Assisting the Board of Inquiry on 7 April, 8 April and 9 April 2025).
5. I am authorised to make this witness statement for and on behalf of the State of Victoria. I make this statement based on my own knowledge unless otherwise stated. Where I make a statement based on information provided to me, I believe that information to be true and correct.

Questions 1 and 2

6. I have looked at the letter marked "A" in the "Request to produce witness statement", being a letter from Cr Anthony Marsh, Mayor and Bulent Oz, Acting Chief Executive Officer of the Mornington Peninsula Shire Council (**MPSC**) to the Hon Vicki Ward MP, the Minister for Emergency Services and the Minister for Natural Disaster Recovery dated 21 January 2025 (**21 January Letter**).
7. The 21 January Letter was received by Minister Ward's office by email on that date. A response to the 21 January Letter was provided by the Hon Nick Staikos MP, the Minister for

Consumer Affairs and the Minister for Local Government, on 20 March 2025 (**20 March Response**). The 20 March Response was provided by Minister Staikos as it fell within his ministerial responsibilities, and Minister Staikos was asked by Minister Ward's office to respond on behalf of the Minister for Emergency Services.

Now shown to me at Annexure **DH-1** is a copy of Minister Staikos's correspondence.

Questions 3 and 4

8. I have looked at the letter marked "B" in the "Request to produce witness statement" being a letter from Cr Marsh and Mr Oz of the Shire to Minister Ward (**19 February Letter**).
9. The 19 February Letter was received by Minister Ward's office on that date, as well as the office of Minister Staikos. The response to the 19 February Letter was the 20 March Response that I refer to above at [7].

Questions 5 and 6

10. I am asked to identify what assistance, if any, the State, through its departments and agencies, has given the Shire in response to the request made in the 21 January Letter for assistance in the following areas:
 - (a) Geotechnical engineering support to determine the cause of the landslide and develop long-term mitigation measures; and
 - (b) Infrastructure and safety concerns.
11. I am also asked to explain the reasons why any of the assistance requested in the 21 January Letter referred to at [10] was not provided.
12. To the best of my knowledge, no technical support has been provided to MPSC by State entities in response to the 21 January Letter.
13. DGS do not employ geotechnical experts who would have been able to assist with the situation. In considering the MPSC requests, my team sought advice from the Department of Energy Environment and Climate Action (**DEECA**) regarding their engagement of geotechnical experts. DEECA advised that when they have issues that arise regarding public land they engage private geotechnical experts as they do not employ such experts. The McCrae landslide occurred on private land, not public land. In any event, I understand from conversations members of my team had with the MPSC, and from statements published on the MPSC's website, that the MPSC had already engaged a geotechnical expert when the letter of 19 February 2025 was received, therefore the balance of the request was directed to funding. I set out a response to the funding support request below.

No request for funding under the DRFA

14. Given my role as described above, I am aware of what sources of funding to assist local government with emergencies are available within Victoria. In relation to funding for emergencies, the first approach is that funding is provided through the arrangements under the Disaster Recovery Funding Arrangement (**DRFA**) under the Commonwealth Government. Any further funding from the State is a matter for State Government budget decision making.

15. In Victoria, the DRFA is administered by Emergency Recovery Victoria (**ERV**), within the Department of Justice and Community Safety (**DJCS**). DJCS published an overview of the DRFA which is available on the Victorian Government's website:

<https://www.vic.gov.au/disaster-recovery-funding-arrangements>

Now shown to me at Annexure **DH-2** is a copy of the DRFA Overview.

16. While claims under the DRFA are dealt with by ERV, I am aware of the terms of the DRFA and understand that assistance is available under the DRFA for eligible disasters. Eligible disasters are ones which require, amongst other things, for state (including local government) expenditure in respect of "essential public assets" to have exceeded the small disaster criterion of \$240,000.

17. The 20 March Response stated that the DRFA had not been activated for the event, that it is only activated where there is damage to essential public assets and a minimum damage threshold has been reached, and that the criteria were not satisfied in the circumstances. Further, that as the landslide was a localised event with the impacts experienced by private landowners, State Government funding had not been applied to the event.

18. I am not aware of any claim made by the MPSC to ERV under the DRFA in respect of the assistance requested in the 21 January Letter.

19. As the requests made by the MPSC were not considered eligible for funding under the DRFA and the landslide was not an emergency of state significance, no funding support in respect of geotechnical engineering support or infrastructure and safety concerns was given by the State in response to 21 January Letter.

20. The State and Commonwealth governments have also made publicly available resources regarding the DRFA, including:

- (a) from the Commonwealth government: the DRFA 2018 along with the related guidelines available at <https://www.nema.gov.au/our-work/disaster-recovery/disaster-recovery-funding-arrangements>

- (b) from the State government: the DRFA toolbox of resources at <https://www.vic.gov.au/drfa-resources-guidelines-and-forms>

Other assistance provided to the MPSC

21. Beyond the limited terms of the assistance referred to in question 5, I note that the State provided the following non-financial assistance to the MPSC beyond the initial emergency response.
22. In relation to other assistance provided to the MPSC, while I am not sure how they contacted us, whether it was via phone or via the Minister's Office, I am aware the MPSC requested assistance from the Municipal Building Surveyor.
23. I am aware that the Victorian Building Authority (**VBA**) provided a Building Surveyor to the MPSC. I am also aware that the MPSC subsequently hired that person. I am not privy to the arrangements between the VBA and the MPSC around that process.
24. On 5 March 2025, I contacted Theo Blanas of the VBA via Microsoft Teams. Mr Blanas advised that a person called David Kotsiakos was now working for the MPSC as their Municipal Building Surveyor. I can produce the messages from Microsoft Teams between myself and Mr Blanas if required.
25. I am not aware of any other technical support or referrals provided by DGS or other State entities. If any other support was provided through the initial response, it would have been done via the State Emergency Service (SES) as the control agency.

I make this Statement conscientiously believing the same to be true to the best of my memory, knowledge and belief.

Dated 14 April 2025

Irrelevant & Sensitive

Daniel John Harper