

# **BOARD OF INQUIRY INTO THE McCRAE LANDSLIDE**

**Andrew Brick**

**Witness Statement**

**Prepared for the purpose of a Board of Inquiry**

**16 July 2025**

## WITNESS STATEMENT OF ANDREW BRICK

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<b>Occupation:</b>	Team Leader - Community Resilience and Emergency Management
<b>Date:</b>	16 July 2025

1. I make this witness statement in response to the Request to Produce a Witness Statement dated 7 July 2025 (**Notice**). This statement has been prepared with the assistance of lawyers and Shire officers.
2. This statement is true and correct to the best of my knowledge and belief. I make this statement based on matters within my knowledge and documents and records of the Shire that I have reviewed. I have also used and relied upon data and information produced or provided to me by officers within the Shire.
3. I provide a response in relation to Questions 4, 5 and 6 of the Notice.

### Question 4

**After the site was handed over from VicSES to the Shire, why did the Shire not set up an Emergency Management Team to respond to the emergency risk, being the risk of a further landslide or landslide activity at the site, especially in circumstances where:**

- (a) there was surface water near the head scarp which Mr Pope told the Shire should be diverted away from that area;
- (b) the Shire was being informed that water was continuing to seep out of the head scarp; and
- (c) Mr Pope told the Shire in his email dated 7 January 2025 (MSC.5003.0001.7180) that there was a need to take steps to mitigate the risk of further landslide activity at the site.

4. I have approached this question on the basis that the reference to an Emergency Management Team (**EMT**) is a reference to a team within the Shire, and is not a reference to the Incident Management Team (**IMT**) or Incident Emergency Management Team (**IEMT**) as those terms are defined in the State Emergency Management Plan (**SEMP**). I note that under the SEMP, decisions to establish the IMT and/or the IEMT are not decisions that are made by the Shire.
5. The Shire does not always establish an EMT, and did not do so in respect of the 5 January 2025 landslide (in this respect, I note that in preparing this witness statement I have been shown a copy of David Simon's third witness statement dated 7 May 2025 which at [7] states

that there was no activation of the response activities of the Shire's Emergency Management team). However, to explain this, I need to first address the framework in which the Shire operates in respect of emergencies, including under the SEMP.

#### *Context and framework*

6. First, under the SEMP there are different stages in respect of emergency management. Relevantly, that includes the "Response" phase, and then the "Recovery" phase.
7. In respect of the Response phase, one of the most important factors to ascertain is who the Control Agency is. That is because the Control Agency is the agency "primarily responsible for managing the response to the emergency" and for "establishing the management arrangements for an integrated response to the emergency" (SEMP, p 51). Table 9 (Roles and Responsibilities) of the SEMP identifies the "Control Agency" that is "primarily responsible for responding to a specified form of emergency" (SEMP, p 51). Relevantly for landslides, Table 9 provides: "**Form of emergency: landslide. Control Agency: VICSES. Class of major emergency: 1**". As such, the SEMP identifies that VicSES is the Control Agency for the form of emergency "landslide".
8. Second, the SEMP refers to two types of emergencies: major emergencies, which are either Class 1, 2 or 3 emergencies (see: SEMP, p 90), and non-major emergencies (see: SEMP, p 91). How an emergency is categorised is not a decision of the Shire.
9. Third, the Shire's interaction with an emergency is governed by the SEMP. When there is a landslide (including the 5 January 2025 landslide) VicSES, as the Control Agency, establishes how the response to that emergency will be managed. Often, the Shire will learn of how the response to the emergency is being managed through the Shire's membership of the IEMT (see SEMP, pp 42 and 63). Notably, the IEMT is established by the Incident Controller (SEMP, p 63) and contains representatives of the multiple agencies involved in the response. The Municipal Recovery Manager (**MRM**) is ordinarily the Shire's representative on an IEMT. Usually, it is from the membership of the IEMT that the Shire is informed of what is required of the Shire to respond to that emergency. If an IEMT isn't established, then it is my experience that the Control Agency and/or Incident Controller will directly work with a person within the Shire if engagement with the Shire is deemed necessary by the Control Agency and/or Incident Controller.
10. Fourth, the SEMP also sets out structures for the "Recovery" phase for all Class 1, 2 and 3 emergencies (SEMP pp. 45-46). Under the heading "coordination" there is listed:
  - (a) The MRM (i.e., Municipal Recovery Manager). The MRM is appointed by the Shire. I was appointed the MRM for the Shire when I commenced employment with the Shire on 6 January 2025. On 5 January 2025 I believe the MRM was Cintia Rodriguez, who was

the acting team leader of the Community Resilience and Emergency Management team at that time. The MRM has a recovery coordination function under the SEMP (SEMP, p 68).

- (b) The **MEMO** (i.e., Municipal Emergency Management Officer). The MEMO is appointed by the Shire. The Shire's MEMO was Brett Fletcher at the time of the 5 January 2025 Landslide. The MEMO has a response and recovery coordination function (SEMP, p 68).
  - (c) The **MRC** (i.e., Municipal Recovery Committee). The MRM determines the need for and establishes the MRC if required. The MRC has a recovery coordination function (SEMP, p 68).
11. Where an emergency is a non-major emergency (see SEMP, p 91), the SEMP makes clear that these structures are possible options, and not all roles or committees will be required, rather their need is determined by the MRM or the Council CEO.
  12. Under the SEMP, Councils (i.e., the Shire) have certain specific functions only. They are:
    - (a) coordinating relief and recovery at the municipal level;
    - (b) establishing the Municipal Emergency Management Planning Committees (**MEMPC**) (see *Emergency Management Act 2013*, s 59);
    - (c) enabling community participation in emergency preparedness, including mitigation, response and recovery activities (including the consideration of people most at-risk in emergencies); and
    - (d) nominating the chairperson of the MEMPC (see *Emergency Management Act*, s 59B).
 (See: SEMP, p 56).
  13. In respect of "relief" (which forms part of the *Response* phase of an emergency), Councils' functions are set out in Table 11 and Table 12 of the SEMP. In each instance, the Shire is a Relief Support Agency (i.e., it is not the Relief Lead Agency). Those functions as Relief Support Agency are: coordinating information on relief services and support to communities; developing and providing public health advice; arrangement of emergency shelter and accommodation for displaced households; and supporting waste services operations (see SEMP, Table 11 and Table 12).
  14. In respect of "recovery" (i.e., the *Recovery* phase of an emergency) Councils also have functions under the SEMP. These are set out in Tables 13-18. Relevantly, Councils are the Recovery lead agency for the function of: "*Survey and make a determination regarding occupancy of damaged residential buildings (when safe to do so)*" (see Recovery Coordination Built Environment Table 17, Buildings and assets (Activity Leads)). Councils also have other Recovery support agency functions including: the formation, leadership and support of

municipal recovery committees; the provision of recovery centers (as required) (see Table 14); providing and promoting advice on wellbeing in recovery (see Table 15); support securing temporary accommodation (see Table 15); coordinating the delivery of a funded single entry point for recovery support (see Table 15); certain roles in respect of economies and businesses (Table 15); certain waste service functions (see Table 17); and certain public land rehabilitation functions (see Table 18). Whether the Shire will be required to perform any of these functions will depend on the nature of the emergency and the needs of the community, including those persons affected by the emergency, at the time.

*When the Shire might establish its own internal EMT*

15. The Shire does not always establish its own internal EMT when there is an emergency. However, it might establish its own internal EMT when it is involved in the Response and/or Recovery phase of an emergency if there is considered to be a particular need for internal coordination within the Shire to supplement its existing management structures. In my experience, whether or not there is such a need depends on the nature of the emergency, and the role/s the Shire is performing under the SEMP in relation to the emergency.
16. For example, if a large number of people have been displaced from their homes because of the nature of the emergency, or are being evacuated (such as when there is a bushfire), then the Shire will usually form its own internal EMT comprising of members of the Shire who have a role in the Shire delivering its Relief and/or Recovery responsibilities under the SEMP to assist those people find accommodation or receive other supports.
17. The Shire keeps an internal document titled “Extreme Weather Preparedness Response – AFDRS” [MSC.5085.0001.0001] which sets out how, internally, the Shire prepares itself for an unplanned event. The document sets out a broad overview of the actions the Shire will take across various roles according to the event type and the preparedness level. While it does not specifically identify any “EMT”, in effect, in my experience, an internal EMT is normally established where the preparedness level is orange or red.
18. In my experience, if the Shire does establish its own internal EMT, it is usually because the Shire is setting up a Municipal Emergency Coordination Center (**MECC**), which is a way in which the Shire starts performing the tasks such as recording the details of all persons who need to be evacuated, recording community requests for assistance, recording requests from the Control Agency for Shire services (such as waste clean-up, specialist services (such as MBS), secondary impact assessments) and coordinating a response to those needs.
19. Usually, the MRM would be a member of the Shire’s internal EMT, as would the MEMO. However, the membership is scalable. There might be other members, depending on the tasks the Shire was responsible for undertaking under the SEMP, or, as noted above, there may

simply be no need for an internal EMT. The nature of the emergency will dictate the functions required of the Shire under the SEMP in light of community demand.

20. Further, one of the main events that will trigger the Shire considering whether or not to establish its own internal EMT is the Shire's membership of the IEMT in the Response phase of the emergency (i.e., through the MRM being on the IEMT). That is because it is through MRM's membership of the IEMT that the Shire becomes aware of what is happening "on the ground" and what services might be needed for the community which the Shire has responsibility for under the SEMP. Therefore, the decision to establish an IEMT (or not) is itself important. That is not a decision that rests with the Shire under the SEMP.

### *EMT and the 5 January 2025 landslide*

21. In the course of preparing this witness statement I have spoken to Dale Gilliatte (Manager of Community Safety, Health and Compliance) and Brett Fletcher (the MEMO), and reviewed David Simon's third witness statement. To the best of my knowledge, on the basis of my conversations with Mr Gilliatte and Mr Fletcher, no formal IEMT was established in response to the 5 January 2025 landslide. However, I note David Simon's third witness statement at paragraph [6] which details phone calls between Vic SES and the MEMO, including a call where the Vic SES requested the assistance of the MBS.
22. Further, after the 5 January 2025 Landslide, it is my understanding and belief based on my conversations with Mr Gilliatte and Mr Fletcher, and my review of the exhibit marked SES.0001.0002.0009(1), that the Shire was not required to provide any relief or recovery actions or services in the form of emergency accommodation to the occupants of the property damaged by the 5 January 2025 landslide. Therefore, the Shire's recovery responsibility was limited to the tasks of the MBS.
23. It is my understanding and belief, based on my conversations with Mr Gilliatte and Mr Fletcher, that the Shire did not establish an internal EMT. I believe the matters set out above explain why there was no requirement for any EMT to be established.

### **Question 5**

**Who at the Shire decided not to set up an Emergency Management Team and why was that decision made?**

24. As set out above, in respect of establishing an internal EMT, it is my understanding and belief, based on my conversations with Mr Gilliatte and Mr Fletcher, that it was not a decision actively made by any specific person. Rather, the need to make a decision regarding an internal EMT

did not arise due to the nature of the requests made of the Shire by Vic SES (the Control Agency), as set out in my answer to Question 4.

#### **Question 6**

**On reflection, does the Shire consider that, upon taking control of the site on 6 January 2025, it should have taken any different steps to those it took to prevent or mitigate the risk of a further landslide or landslide activity at the site up to the time of the further landslide on 14 January 2025? Please explain your answer.**

25. Not from my perspective as the MRM. To the best of my knowledge, and based on my review of the witness statement of Matthew Hopwood-Glover dated 27 June 2025, to the extent the SEMP applied to the 5 January 2025 landslide, the MBS undertook his responsibilities in accordance with Table 17 of the SEMP. Further, the persons affected by the 5 January 2025 landslide did not require emergency accommodation, and so the Shire did not need to provide any immediate relief services to them.

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**Signed** by Andrew Brick