



New South Wales

State Emergency Service Regulation 2001

under the

State Emergency Service Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Emergency Service Act 1989*.

BOB DEBUS, M.P.,

Minister for Emergency Services

Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *State Emergency Service Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- the term of appointment, revocation of appointment and annual review of division controllers, local controllers and unit controllers (clause 5),
- the appointment and revocation of appointment of deputy controllers (clause 6),
- the establishment of division headquarters units (clause 7),
- the control of SES units (clause 8),
- the granting of membership to, the suspension of membership of, and the withdrawal of membership from, SES units (clause 9),
- the keeping of records of donations to SES units (clause 10),
- other minor, consequential and ancillary matters (clauses 1–4 and 11).

This Regulation relates to matters of a machinery nature.

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Explanatory note

This Regulation is made under the *State Emergency Service Act 1989*, and, in particular, under section 29 (the general regulation-making power).

State Emergency Service Regulation 2001

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State Emergency Service Regulation 2001

1 Name of Regulation

This Regulation is the *State Emergency Service Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *State Emergency Service Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

controller means a division controller, a local controller or a unit controller.

Service means the State Emergency Service.

the Act means the *State Emergency Service Act 1989*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Controllers

- (1) A controller is to be appointed for such term (not exceeding 2 years) as is specified in his or her instrument of appointment, but is, at the end of that term, eligible for re-appointment.
- (2) The Director-General may revoke the appointment of a controller at any time and for any reason.
- (3) The Director-General is to ensure that each controller is subject to an annual review and report.

6 Deputy controllers

- (1) A controller may appoint a person as his or her deputy.
- (2) A controller may revoke the appointment of his or her deputy at any time and for any reason.

- (3) The functions of a controller may be exercised by his or her deputy during any absence from duty of the controller.

7 Division headquarters

- (1) The Service may make available such of its staff and facilities as the Director-General considers appropriate to establish a headquarters for a division.
- (2) A division controller, together with:
- (a) the staff of the Service attached to the headquarters for the division, and
 - (b) any volunteers assisting in the running of the headquarters, may be registered as an SES unit (as a *division headquarters unit*).
- (3) The functions of a division headquarters unit are to assist the division controller in the exercise of his or her responsibilities.

8 Control of units

- (1) The unit controller of an SES unit is responsible for the control and co-ordination of the activities of the unit.
- (2) In exercising those responsibilities, the unit controller is subject to the directions of the Director-General, the relevant division controller and the relevant local controller.
- (3) In the case of a local government area for which there is only one SES unit, the unit controller for that unit is the local controller for that area.

9 Granting, suspension and withdrawal of membership

- (1) Membership of an SES unit may be granted, suspended or withdrawn:
- (a) by the Director-General, or
 - (b) by a controller.
- (2) Membership of an SES unit:
- (a) may be withdrawn at any time and for any reason, and
 - (b) may be suspended at any time, but only for the purpose of conducting an investigation into:
 - (i) the member's alleged offence against any law, or
 - (ii) the member's alleged contravention of, or failure to comply with, the procedures or instructions of the Service.

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- (3) A person whose membership of an SES unit is withdrawn may appeal to the Director-General against that action.
- (4) The procedures for:
 - (a) suspending or withdrawing membership of an SES unit, and
 - (b) appealing against the withdrawal of membership of an SES unit,are to be as set out in the procedure manuals maintained by the Service.

10 Donations of financial or material support

- (1) The unit controller of an SES unit must keep written records of any donations of financial or material support provided to the unit.
- (2) A copy of those records is to be furnished to the Director-General immediately on request.

11 Savings

Any act, matter or thing that, immediately before the repeal of the *State Emergency Service Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY
