

STATE EMERGENCY SERVICE BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

At present the State Emergency Services and Civil Defence Act 1972 provides for a State Emergency Services and Civil Defence organisation with general functions for all emergencies and for the declarations of states of emergencies.

The objects of this Bill are:

- (a) to repeal that Act; and
- (b) to replace the State Emergency Services and Civil Defence organisation with the State Emergency Service; and
- (c) to specify that the principal role of the State Emergency Service is to deal with emergencies relating to floods, storms and tempests and with civil defence or other emergencies for which no other emergency service organisation has responsibility; and
- (d) to continue the role of volunteers in the State Emergency Service and to make further provision for their registration as S.E.S. units.

The State Emergency Service will be one of the emergency service organisations whose activities in general emergencies and whose activities in single incident rescues will be controlled and co-ordinated under the provisions of the proposed State Emergency and Rescue Management Act 1989.

PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day or days.

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Clause 3 defines words and expressions used in the proposed Act.

Clause 4 makes it clear that the proposed Act is not directed at preventing industrial disputes or controlling riots and other civil disturbances.

Clause 5 provides that the proposed Act authorises civil defence measures.

Clause 6 provides that the proposed Act binds the Crown.

PART 2 - THE STATE EMERGENCY SERVICE

Clause 7 constitutes the State Emergency Service. It is to comprise the Director, Deputy Director and other staff of the service and the members of S.E.S. units.

Clause 8 sets out the functions of the Service. In addition to its principal role in emergencies relating to floods, storms and tempests and in civil defence or other emergencies for which no other authority has responsibility, the Service may:

- (a) carry out single incident rescue operations by means of S.E.S. units accredited under the proposed State Emergency and Rescue Management Act 1989; and
- (b) assist the police, fire brigades and other emergency service organisations; and
- (c) take part in emergency management arrangements under the proposed State Emergency and Rescue Management Act 1989.

PART 3 - THE DIRECTOR AND OTHER STAFF OF THE SERVICE

Clause 9 provides for the appointment of a Director, Deputy Director and other public service staff.

Clause 10 provides that the Service is subject to Ministerial control.

Clause 11 places the Director in charge of the activities of the Service.

Clause 12 requires the Director to make necessary plans and preparations.

Clause 13 enables the Director to delegate the Director's functions.

Clause 14 provides for divisions of the State for the purposes of the proposed Act.

PART 4 - EMERGENCY OFFICERS AND S.E.S. UNITS

Clause 15 authorises the Director to appoint emergency officers for the purposes of the proposed Act and to arrange for their training.

Clause 16 authorises the Director to appoint division controllers to be responsible for the control and co-ordination of the activities of S.E.S. units in each division.

Clause 17 authorises the Director to appoint local controllers to be responsible for the control and co-ordination of S.E.S. units in each local government area. The council of the area is required to provide necessary facilities.

Clause 18 authorises the Director to register, as an S.E.S. unit, associations of persons formed to deal with emergencies under the proposed Act.

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PART 5 - EMERGENCIES AND EMERGENCY POWERS

Clause 19 defines the emergencies to which the Part applies. The emergencies are those for which the Service is responsible under the proposed Act.

Clause 20 places the Director in overall control of operations in response to an emergency to which the Part applies.

Clause 21 requires the police and other emergency personnel to recognise the authority of and to assist emergency officers in connection with emergencies to which the Part applies.

Clause 22 authorises the Director to direct the evacuation of persons or prohibit the movement of persons in an area affected by an emergency to which the Part applies.

Clause 23 enables arrangements to be made for inter-State S.E.S. units to operate in New South Wales and for New South Wales S.E.S. units to operate inter-State.

Clause 24 makes it an offence to obstruct or hinder the Director or an emergency officer in the exercise of a function under the proposed Act.

PART 6 - MISCELLANEOUS

Clause 25 exculpates the Director and other members of the Service (including members of S.E.S. units) and casual volunteers from personal liability in connection with emergency operations.

Clause 26 provides that the proposed Act does not limit the operation of another Act or law.

Clause 27 provides for the service of documents on the Director.

Clause 28 enables proceedings for offences to be dealt with summarily before a Local Court.

Clause 29 authorises the making of regulations.

Clause 30 is a formal provision which gives effect to the Schedule of savings, transitional and other provisions.

Clause 31 repeals the State Emergency Services and Civil Defence Act 1972 and the regulations under that Act.

Clause 32 makes consequential amendments to the Public Sector Management Act 1988.

Clause 33 makes consequential amendments to the Public Finance and Audit Act 1983.

Clause 34 makes a consequential amendment to the State Emergency and Rescue Management Act 1989.

Clause 35 makes a consequential amendment to the Essential Services Act 1988.

Schedule 1 enacts savings, transitional and other provisions.
