

## STATE EMERGENCY AND RESCUE MANAGEMENT BILL 1989

### NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to make provision for the management of State emergencies and rescues.

The objects of the emergency management provisions of the Bill are:

- (a) to charge the Minister (on the advice of a State Disasters Council) with the responsibility of co-ordinating the activities of government agencies in relation to emergencies and to prepare a State Disasters Plan to deal with any emergency that requires a significant and co-ordinated response; and
- (b) to establish a State Emergency Management Committee (consisting of representatives of government and non-government agencies) with the responsibility for emergency planning at a State level; and
- (c) to provide for the appointment of a State Emergency Operations Controller who is to be responsible for controlling the allocation of resources in emergencies affecting more than 1 district (the Controller is to be the Chairperson of the State Emergency Management Committee and the State Rescue and Emergency Services Board); and
- (d) to establish District Emergency Management Committees with responsibility for emergency planning at the district level and to provide for the appointment of District Emergency Operations Controllers who are to be responsible for controlling the allocation of resources in emergencies affecting more than one local government area in the district; and
- (e) to establish Local Emergency Management Committees with responsibility for emergency planning at the local level and to provide for the appointment of Local Emergency Operations Controllers who are to be responsible for controlling the allocation of resources in emergencies affecting the local government area; and

- (f) to enable the declaration of a state of emergency for a serious emergency in order to confer special powers such as the power to evacuate persons and to make use of any person's property in response to the emergency.

The objects of the rescue management provisions of the Bill are:

- (a) to establish a State Rescue and Emergency Services Board consisting of the heads of the relevant emergency services to control and co-ordinate rescue agencies in connection with single rescue operations; and
- (b) to place the senior member of the Police Force present at the scene of a rescue operation in charge of co-ordinating and determining the priorities of action of the agencies engaged in the rescue operation; and
- (c) to provide for the accreditation of rescue units operated by government and non-government agencies; and
- (d) to provide financial assistance for voluntary rescue agencies, to confer immunity from personal liability on members of accredited rescue units and to make other provisions relating to rescue operations.

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#### **PART 1 - PRELIMINARY**

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act commences on a day or days to be proclaimed.

**Clause 3** defines terms used in the proposed Act.

**Clause 4** defines "emergency" for the purposes of the proposed Act. An emergency is an occurrence which threatens the safety or health of persons or property and requires a significant and co-ordinated response.

**Clause 5** defines for the purposes of the proposed Act the various stages of an emergency, namely, prevention of, preparation for, response to and recovery from an emergency.

**Clause 6** clarifies the relationship between Part 2 (State Emergency Management) and Part 3 (State Rescue Management).

Generally speaking, single incident rescues are subject to Part 2 but become subject to Part 3 if an incident requires a significant and co-ordinated response.

**Clause 7** makes it clear that the proposed Act is not directed at preventing industrial disputes or controlling riots and other civil disturbances.

**Clause 8** provides that the proposed Act authorises civil defence measures.

**Clause 9** provides that the proposed Act binds the Crown.

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**PART 2 - STATE EMERGENCY MANAGEMENT**

**Division 1 - Emergency management at State level**

**Subdivision 1 - The Minister and the State Disasters Council**

Clause 10 deals with the responsibilities and functions of the Minister under the proposed Act. Generally speaking, the Minister is responsible for the co-ordination of the activities of government agencies in relation to emergencies and the preparation and review of the State Disaster Plan. In addition the Minister is authorised to control and direct the emergency management organisations and officers under the proposed Act.

Clause 11 constitutes a State Disasters Council to provide advice to the Minister on all matters relating to emergencies and, in particular, the co-ordination of the activities of agencies.

**Subdivision 2 - The State Disaster Plan**

Clause 12 provides for a State Disaster Plan (called Displan) to ensure the co-ordinated response to emergencies by an agency having responsibilities and functions in emergencies.

Clause 13 provides for the activation of Displan by the Minister in the case of an emergency.

**Subdivision 3 - The State Emergency Management Committee**

Clause 14 establishes a State Emergency Management Committee comprising the State Emergency Operations Controller (as Chairperson) and representatives of relevant government and non-government agencies.

Clause 15 specifies the responsibilities and functions of the State Emergency Management Committee. The Committee is to be the principal committee established under the proposed Act for the purpose of emergency management throughout the State and, in particular, is to be responsible for emergency planning at a State level.

Clause 16 enables the Minister to direct the establishment of sub-committees of the State Emergency Management Committee in connection with functional areas, namely, categories of services involved in preparations for an emergency.

Clause 17 requires the State Emergency Management Committee to prepare an annual report for presentation to Parliament.

**Subdivision 4 - State Emergency Operations Controller**

Clause 18 provides for the appointment by the Governor of a State Emergency Operations Controller. The clause also provides that the Director of the State Emergency Service is to be the Deputy State Emergency Operations Controller.

Clause 19 specifies the responsibilities and functions of the State Emergency Operations Controller. The Controller is responsible for controlling the allocation

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of resources in responding to an emergency which affects more than 1 district under the proposed Act. For that purpose the Controller may issue necessary directions to agencies.

Clause 20 provides for the establishment of a State emergency operations centre as a centre of communication during an emergency.

### **Division 2 - Emergency management at district level**

Clause 21 enables the Minister to divide the State into districts for the purposes of the proposed Act.

Clause 22 establishes a District Emergency Management Committee for each district and makes provision for its composition.

Clause 23 specifies that the responsibility of the District Emergency Management Committee is to prepare plans in relation to emergencies in the district for which it is constituted.

Clause 24 provides that the District Emergency Operations Controller for a district is to be the senior member of the Police Force stationed in that district.

Clause 25 provides that the District Emergency Operations Controller is to control the allocation of resources in response to an emergency which affects more than 1 local government area in the district.

Clause 26 makes provision for executive support for the District Emergency Management Committee and Operations Controller.

### **Division 3 - Emergency management at local level**

Clause 27 defines "local government area" and provides that 2 or more councils may combine their emergency management arrangements.

Clause 28 establishes a Local Emergency Management Committee in each local government area and provides for its composition.

Clause 29 specifies that a Local Emergency Management Committee is responsible for the preparation of plans in relation to emergencies in the local government area for which it is constituted.

Clause 30 provides that the Local Emergency Operations Controller for a local government area is to be the senior member of the Police Force stationed within that area.

Clause 31 specifies that the Local Emergency Operations Controller is responsible for controlling the allocation of resources in response to an emergency in the area.

Clause 32 makes provision for executive support for Local Emergency Management Committees and Operations Controllers.

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**Division 4 - State of emergency**

**Clause 33** authorises the Premier, in the case of an emergency that constitutes a significant and widespread danger to life and property, to declare a state of emergency.

**Clause 34** requires the Premier to publish a declaration of a state of emergency.

**Clause 35** makes provision for the duration of a state of emergency.

**Clause 36** authorises the Minister during a state of emergency to control and co-ordinate all activities of government agencies and enables the Minister to issue directions for that purpose despite any Act or law to the contrary.

**Clause 37** authorises the Minister to direct the evacuation of persons or prohibit the movement of persons in an area to which a state of emergency applies.

**Clause 38** authorises the Minister to take possession and make use of any person's property for the purposes of responding to a state of emergency.

**Clause 39** restricts the Minister's powers to the area and the emergency in respect of which a state of emergency is declared.

**Clause 40** makes it an offence to obstruct or hinder the Minister or a person authorised by the Minister in the exercise of their functions under this Division.

**Clause 41** exculpates from liability the Crown, a Minister or any other person or body in connection with any damage, loss or injury sustained during a state of emergency.

**PART 3 - STATE RESCUE MANAGEMENT**

**Division 1 - State Rescue and Emergency Services Board**

**Clause 42** constitutes the State Rescue and Emergency Services Board of New South Wales as a corporate body representing the Crown.

**Clause 43** provides for the composition of the Board. The Board is to consist of the State Emergency Operations Controller (as Chairperson) and the heads of the relevant emergency services.

**Clause 44** gives effect to the Schedule relating to the constitution and procedure of the Board.

**Clause 45** provides that the Board is subject to Ministerial control.

**Clause 46** enables the appointment of public servants and other staff by the Board.

**Division 2 - Functions of State Rescue and Emergency Services Board**

**Clause 47** specifies that the principal functions of the Board are:

- (a) to control and co-ordinate the rescue agencies in connection with rescue operations; and

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(b) to ensure the maintenance of efficient and effective rescue services.

Clause 48 specifies particular functions of the Board.

Clause 49 provides that an agency which manages or controls an accredited rescue unit is required to implement the decisions of the Board in connection with rescue operations.

### **Division 3 - Police control of rescue operations etc.**

Clause 50 places the senior member of the Police Force present at the scene of a rescue operation in charge of co-ordinating and determining the priorities of action of the agencies engaged in the rescue operation. The clause does not apply in cases such as an actual fire, at which a member of a Fire Brigade is in charge.

Clause 51 requires the Fire Brigades and Ambulance Service to notify police of rescue incidents.

### **Division 4 - Accreditation of rescue units**

Clause 52 defines a rescue unit.

Clause 53 makes it an offence to establish, manage or control a rescue unit which is not accredited by the Minister.

Clause 54 provides for the accreditation of rescue units by the Minister having regard to the recommendations of the State Rescue and Emergency Services Board.

Clause 55 enables the accreditation to be limited to particular rescue operations or particular areas.

Clause 56 deals with the duration of accreditation.

Clause 57 provides for a register of personnel of rescue units.

### **Division 5 - General provisions**

Clause 58 enables arrangements to be made for inter-State rescue units to operate in New South Wales and for New South Wales rescue units to operate inter-State.

Clause 59 exculpates members of accredited rescue units and casual volunteers from personal liability in connection with rescue operations etc.

Clause 60 authorises the Minister to provide financial assistance to voluntary rescue organisations out of money to be provided by Parliament.

## **PART 4 - MISCELLANEOUS**

Clause 61 defines for the purposes of the Part an emergency or rescue management organisation established under the proposed Act.

Clause 62 exculpates members and staff of emergency or rescue management organisations from personal liability in the execution of the proposed Act.

Clause 63 provides that the Act does not limit the operation of another Act or law.

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**Clause 64** provides for the service of documents on an emergency or rescue management organisation.

**Clause 65** provides that proof of certain matters relating to emergency or rescue management organisations is not required.

**Clause 66** enables proceedings for offences to be dealt with summarily before a Local Court.

**Clause 67** authorises the making of regulations.

**Clause 68** gives effect to the schedule of savings, transitional and other provisions.

**Clause 69** amends the Public Finance and Audit Act 1983 to provide for the accounts and annual reporting requirements of the State Rescue and Emergency Services Board.

**Schedule 1** contains provisions relating to the emergency management organisations.

**Schedule 2** contains provisions relating to members and procedure of emergency management organisations.

**Schedule 3** contains provisions relating to the members and procedure of the State Rescue and Emergency Services Board.

**Schedule 4** contains savings, transitional and other provisions.

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