

Passed by both Houses



New South Wales

State Emergency and Rescue Management Amendment (Botany Emergency Works) Bill 2008

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2008*



New South Wales

State Emergency and Rescue Management Amendment (Botany Emergency Works) Bill 2008

Act No , 2008

An Act to amend the *State Emergency and Rescue Management Act 1989* to make special provision for the carrying out of emergency works at a site in Botany Road, Alexandria; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *State Emergency and Rescue Management Amendment (Botany Emergency Works) Act 2008*.

2 Commencement

This Act commences on the date of assent to this Act.

**3 Amendment of State Emergency and Rescue Management Act 1989
No 165**

The *State Emergency and Rescue Management Act 1989* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] **Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*State Emergency and Rescue Management Amendment (Botany
Emergency Works) Act 2008*

[2] **Schedule 4, Part 6**

Insert after Part 5:

Part 6 Special provisions relating to emergency works at Botany site

10 Definitions

In this Part:

BBB Constructions means BBB Constructions Pty Ltd
ACN 119 554 700.

Botany site means the area bounded by and including Botany
Road, McEvoy Street, Retreat Street and Wyndham Street,
Alexandria.

Director-General means the Director-General of the Department
of Commerce.

emergency works means the carrying out of the following works
on the Botany site:

- (a) the shoring up (including re-anchoring) of retaining or
other walls that support premises or roads in the Botany
site,
- (b) if the Director-General considers it necessary to do so,
grouting behind the walls to reseal them against the ingress
of water,
- (c) other stabilisation work on the site (including the
construction and progressive removal of an earth berm and
any stabilisation work required as a result of the collapse
of any such wall),

and includes any preparatory examination, survey, excavation or
other thing done for the purposes of carrying out those works.

senior police officer means a police officer of or above the rank
of sergeant.

the contractors means the persons engaged by the Director-General to carry out the emergency works.

11 Carrying out of the emergency works

- (1) The emergency works are authorised and required to be carried out by the Director-General.
- (2) The Director-General may engage persons to carry out the emergency works.
- (3) The contractors may include a person who is the owner or occupier of land in the Botany site or who has been engaged by any such owner or occupier to do work on the site.

12 Access to site to carry out works etc

- (1) The Director-General, the contractors, police officers and any other persons authorised by the Director-General or a senior police officer may enter the Botany site for the purposes of carrying out (or supervising or assisting in the carrying out) of the emergency works.
- (2) Notice of intention to enter the Botany site is not required to be given to anyone.
- (3) Sections 61C–61E of this Act apply to any such entry in the same way as they apply to entry under section 61 of this Act.
- (4) Section 62A of this Act extends to the exercise in good faith of functions under this Part by the Director-General, the contractors and others, and so applies as if the happening that constitutes the emergency were the happening that caused the damage that requires the carrying out of the emergency works.

13 Access to plans, drawings or other documents relating to Botany site

- (1) The Director-General may request BBB Constructions, or a person who has been engaged by BBB Constructions to carry out work on the Botany site, to provide the Director-General with such plans, drawings or other documents relating to the site and the work carried out (or to be carried out) on the site:
 - (a) that are in the possession of BBB Constructions or the person, and
 - (b) that the Director-General requires for the purposes of carrying out the emergency works.

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Amendments

Schedule 1

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- (2) A person requested to provide any such document must comply with the request within such time as the Director-General specifies in the request.
Maximum penalty: 50 penalty units.