

[Act 2000 No 32]



New South Wales

State Emergency and Rescue Management Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *State Emergency and Rescue Management Act 1989* to revise the State emergency management and State rescue management provisions of that Act. In particular, the amendments clarify the provisions relating to the relevant operations controller for different emergencies.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *State Emergency and Rescue Management Act 1989* set out in Schedule 1.

Schedule 1 Amendments

Definition of “combat agency”—Schedule 1 [1] and [7]

The definition of “combat agency” for the purposes of the Principal Act is amended to make it clear that it is the agency under the State Disaster Plan (Displan) primarily responsible for controlling the response to a particular emergency. The amendment includes in the definition the expression “control”, which is used in the Principal Act to denote the overall direction of the response stage of dealing with an emergency. A consequential amendment is made to section 12 (State Disaster Plan).

Definition of “emergency operations centre”—Schedule 1 [2]

The definition of “emergency operations centre” for the purposes of the Principal Act is amended to make it clear that the requirement for the establishment of such a centre by State, district and local operations controllers extends to a centre for the co-ordination of operations and support as well as for communication during an emergency.

Definition of “functional area”—Schedule 1 [3]

The definition of “functional area” for the purposes of the Principal Act is substituted so that the examples of the categories of services involved in the preparations for an emergency are in line with the areas provided under the State Disaster Plan.

Definition of “emergency”—Schedule 1 [4], [5], [19], [32] and [33]

The definition of “emergency” for the purposes of the Principal Act is amended so that it extends to:

- (a) emergencies that endanger the safety or health of animals as well as people, and
- (b) emergencies that endanger the environment as well as property.

Membership of State Disasters Council—Schedule 1 [6]

Section 11 of the Principal Act is amended to make the Chairperson of the State Emergency Management Committee an ex-officio member of the State Disasters Council.

Operation of State Disaster Plan—Schedule 1 [8]

Section 13 of the Principal Act provides for the activation of Displan by the Minister (whether or not there is a state of emergency declared) and for its provisions to be put into effect on its activation. The section is substituted to clarify the operation of Displan. The substituted section provides that the Plan has effect for the purposes of an emergency without the need for formal activation by the Minister in the case of each emergency. The section also provides that agencies are authorised to undertake their responsibilities and functions under Displan and that government agencies may be required to do so by the Minister.

In the case of a declared state of emergency, Division 4 of Part 2 of the Principal Act confers general powers of control and direction of organisations and persons to deal with the emergency.

Responsibilities of State, District and Local Emergency Operations Controllers—Schedule 1 [9], [15] and [18]

Sections 19, 25 and 31 of the Principal Act set out the responsibilities and functions of emergency operations controllers at the State, district and local levels respectively. The existing provisions provide for the relevant operations controller to have responsibility for allocating resources in response to an emergency. The sections are amended to make it clear that:

- (a) the responsibility of the relevant emergency operations controller relates to the control of the response to an emergency (and not merely the control over the allocation of resources for that purpose), and
- (b) the relevant emergency operations controller does not have responsibility for controlling the response to an emergency when the State Disaster Plan designates a single combat agency with primary responsibility for responding to the emergency unless the controller assumes that responsibility at the request or with the agreement of the combat agency or, in the case of any disagreement on the matter, at the direction of the Minister.

In addition, the amendments make it clear that the relevant emergency operations controller may assist the responsible combat agency at its request.

Establishment of districts—Schedule 1 [10]

Section 21 of the Principal Act is amended by way of statute law revision to remove outdated references to Police districts from the list of alternative methods of describing districts for the purposes of the Principal Act.

Membership of District Emergency Management Committees—Schedule 1 [11], [12] and [13]

Section 22 of the Principal Act is amended to ensure that the senior police officer who is to be the Chairperson of a District Emergency Management Committee is the same senior police officer appointed as the District Emergency Operations Controller, namely the relevant Region Commander. The section is also amended to make it clear that each organisation providing services in functional areas in the relevant district is not entitled to a representative on the District Emergency Management Committee by providing instead for the appointment of a representative of the organisations providing services in each functional area.

Membership of Local Emergency Management Committees—Schedule 1 [16]

Section 28 of the Principal Act is amended to provide that the Local Emergency Operations Controller (being a local police officer appointed by the District Emergency Operations Controller) is to be a member of the relevant Local Emergency Management Committee.

Principal function of State Rescue Board—Schedule 1 [21]

Section 47 of the Principal Act is substituted to clarify that the principal function of the State Rescue Board is the maintenance of efficient and effective rescue services throughout the State and to remove any implication that the Board is to control the rescue services of the police, fire brigade, ambulance and other agencies. The substituted section also makes it clear that the principal function of the Board extends to the maintenance of those services throughout the whole State.

Specific duties of State Rescue Board—Schedule 1 [22]–[28]

Section 48 of the Principal Act is amended to revise the specific duties of the State Rescue Board to bring them into line with the functions currently exercised by the Board. In particular, the amendments make it clear that:

- (a) the Board makes policy recommendations to the Minister on rescue services but not other emergency services, and
- (b) the Board reviews but does not prepare and co-ordinate plans for single incident rescues within the State, and
- (c) the Board does not produce and disseminate standing orders and instructions and standing operating procedures for rescue operations, and

- (d) the Board does not arrange and provide training for rescue operations but only assists others to conduct such training.

District and Local Rescue Sub-committees—Schedule 1 [14], [17], [29] and [30]

At present the Principal Act provides (in the State emergency management provisions) for District and Local Emergency Management Committees to establish subcommittees (comprising senior representatives of emergency services organisations operating in the relevant district or local government area) to assist the State Rescue Board in the exercise of its functions. The sub-committees report in practice to that Board rather than the relevant Emergency Management Committee. Accordingly, the Bill transfers the provisions relating to their establishment to the provisions of the Principal Act relating to State rescue management and provides that the subcommittees (renamed as district or local rescue committees) comprise senior representatives nominated by the relevant rescue organisations operating in the district or area and are subject to the control and direction of the State Rescue Board.

Annual report of State Rescue Board—Schedule 1 [31]

The Bill inserts a provision into the Principal Act (similar to that applying to the State Emergency Management Committee) to ensure that the State Rescue Board is required to prepare and submit a separate annual report to Parliament on its work and activities.

Staff of State emergency management and rescue organisations—Schedule 1 [20] and [34]

At present the Principal Act provides for the appointment of public service staff of the State Rescue Board and for the use of that staff to provide secretarial and other services to the State Disasters Council and State Emergency Management Committee and subcommittees. The Bill makes provision consistent with current arrangements for a single public service agency (at present, the Office of Emergency Services) to service all those State organisations.

Savings and transitional provisions—Schedule 1 [35] and [36]

The Bill also makes provision of a savings or transitional nature in connection with the amendments made to the Principal Act.