

State Emergency Service Amendment Bill 2005

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 Service Act 1989* (**the Principal Act**) as follows:

(a) to extend the functions of the State Emergency Service to the protection of life and property in storms and floods and to remove civil defence from the functions of the Service,

(b) to replace State Emergency Service divisions with regions and to allow the Director-General of the State Emergency Service (the **Director-General**) to divide the State into regions without the need to seek approval from the State Emergency Operations Controller,

(c) to recognise the volunteer status of members of the State Emergency Service,

(d) to provide that the Director-General be recognised as the State controller for the State Emergency Service, and to allow the Director-General to make arrangements to assist States and Territories that do not have any SES units,

(e) to allow the Director-General to appoint more than one local controller for a local government area and to form an SES unit on his or her own initiative,

(f) to make other miscellaneous amendments of a minor, consequential or savings or transitional nature.

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 the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *State Emergency Service Act 1989* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendment to the *State Emergency and Rescue Management Act 1989* set out in Schedule 2.

Clause 5 repeals the *State Emergency Service Regulation 2001*.

Schedule 1 Amendment of State Emergency Service Act 1989

Schedule 1 [1] and [11] amend the definitions of **Deputy Director-General** and **Director-General** and section 9 of the Principal Act, respectively, to update references to an Act.

Schedule 1 [2] repeals the definitions of **division**, **division controller** and **S.E.S. unit** and replaces them with definitions of **region**, **region controller** and **SES unit** to reflect a change in terminology for the purposes of the Principal Act. The amendment also inserts proposed definitions of **exercise**, **function** and **unit controller**. **Schedule 1 [4], [19] and [29]** make consequential amendments.

Schedule 1 [3], [15] and [31] make statute law revision amendments in relation to references in the Principal Act to SES units.

Schedule 1 [5] and [9] repeal section 5 and amend section 8, respectively, of the Principal Act to remove civil defence functions of the State Emergency Service.

Schedule 1 [27] makes a consequential amendment.

Schedule 1 [6] amends section 7 of the Principal Act to reflect the volunteer status of the officers and members of SES units.

Schedule 1 [7] amends section 8 of the Principal Act to include the protection of persons from dangers to their safety and health, and property from destruction or damage, arising from floods and storms, as one of the functions of the State Emergency Service.

Schedule 1 [8], [13], [26] and [32] remove references to “tempest” and “tempests”

in the Principal Act, which are superfluous terms already covered by references to “storm” and “storms”.

Schedule 1 [10] and [28] amend sections 8 and 21, respectively, of the Principal Act to update references to various emergency services organisations.

Schedule 1 [12] amends section 11 of the Principal Act to provide that the Director-General may use the title “State controller” in the exercise of his or her functions, and that the Deputy Director-General may use the title “Deputy State controller”.

Schedule 1 [14] substitutes section 14 of the Principal Act to remove the requirement that the Director-General, before dividing the State into regions, is to obtain the approval of the State Emergency Operations Controller.

Schedule 1 [16] substitutes section 16 of the Principal Act to replace the term division controller with region controller, reflecting the change in terminology from divisions to regions. The section provides for the appointment of a member of staff of the State Emergency Service as a region controller for a region. The section also allows for the appointment of a deputy region controller, which was previously provided for in the *State Emergency Service Regulation 2001*.

Schedule 1 [17] amends section 17 of the Principal Act to allow the Director-General to appoint more than one local controller for a local government area.

Schedule 1 [20] makes a consequential amendment.

Schedule 1 [18] amends section 17 of the Principal Act to allow the Director-General to revoke the appointment of a local controller at any time and for any reason.

Schedule 1 [21] inserts proposed sections 17A–17D into the Principal Act, the provisions of which were previously contained in the *State Emergency Service Regulation 2001*.

Proposed section 17A (Unit controllers) provides for the appointment and responsibilities of a unit controller, and for unit controllers to be subject to the directions of the Director-General, the relevant region controller or the relevant local controller.

Proposed section 17B (Terms of appointment for local and unit controllers) provides for the term of appointment for local controllers and unit controllers to be subject to an annual review and report. These provisions were previously contained in the *State Emergency Service Regulation 2001*.

Proposed section 17C (Local and unit controller deputies) provides for the appointment of deputy controllers in relation to local controllers and unit controllers. Proposed section 17D (Region headquarters unit) provides that the State Emergency Service may make available such of its staff and facilities as the Director-General considers appropriate to establish a headquarters for a region.

Schedule 1 [22] amends section 18 of the Principal Act to allow the Director-General to register any group of persons as an SES unit. Currently, only an association of persons formed for the purpose of dealing with emergencies to which the Principal Act applies may be registered as an SES unit.

Schedule 1 [23] inserts proposed section 18AA (Granting, suspension and withdrawal of membership of SES units) which provides for the manner in which membership of an SES unit may be granted, suspended or withdrawn. These provisions were previously contained in the *State Emergency Service Regulation 2001*.

Schedule 1 [24] amends section 18A of the Principal Act to clarify the definition of **senior emergency officer** for the purposes of Part 5 of that Act.

Schedule 1 [25] updates a reference to a rural fire brigade.

Schedule 1 [30] amends section 23 of the Principal Act to provide that the Director-General may make arrangements with States and Territories that do not have similar SES units to this State to assist those States and Territories in relation to certain emergencies.

Schedule 1 [33] inserts proposed section 28A (Donations of financial or material support) to provide that the unit controller of an SES unit must keep written records of any donations of financial or material support provided to the unit, and that a copy of those records is to be furnished to the Director-General if requested. These provisions were previously contained in the *State Emergency Service Regulation 2001*.

Schedule 1 [34] enables savings and transitional regulations to be made as a consequence of the proposed Act. **Schedule 1 [35]** makes a consequential amendment.

Schedule 1 [36] inserts savings and transitional provisions as a consequence of the enactment of the proposed Act.

Schedule 2 Amendment of State Emergency and Rescue Management Act 1989

Schedule 2 makes an amendment consequential on the amendment made by **Schedule 1 [24]**.