



## NSW Legislative Council Hansard

### State Emergency Service Amendment Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 10 November 2005.

#### Second Reading

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [6.04 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

It is very appropriate that the Government is introducing this bill today, the 8 November 2005. Not just because it is State Emergency Service awareness week...And because this year our SES is celebrating its 50th anniversary and its proud record of dedicated service to the community over this time...

But because as we speak, there are hundreds of SES personnel in the field protecting their communities from rising flood waters and helping people get back on their feet after storms and flooding rains.

I am certain that many Members would be aware that, the SES had its genesis in the disastrous floods that swept through the Hunter Valley, the Central West and the North West of the State in February of 1955. More than 20,000 homes were flooded and 25 people died, making this one of Australia's worst natural disasters. With no organised emergency service in place to take control and offer assistance to flooded residents, the State Government of the day saw the need to establish an organisation to coordinate future response efforts to help communities affected by floods.

This led to the formation of the organisation that has since developed into the modern and efficient State Emergency Service we know today. With approximately 9000 volunteer members in 232 Units, the SES is now the most versatile and widely used rescue and public safety organisation in New South Wales. These volunteers perform heroic tasks in the most difficult of conditions. Their willingness to help others in need, often at considerable risk to their own safety, is their defining characteristic. Over the past 50 years, they have played a role in some of the State's most significant natural and human disasters, including the Sydney hailstorm, the North Coast floods, the Granville train disaster, the Thredbo landslide and the Newcastle earthquake.

This Government is proud to support our SES volunteers, committing unprecedented levels of funding - totalling almost \$273 million - to the Service over 11 years. It is fitting that in its golden anniversary year, the SES budget has reached an all-time high of \$40.6 million – an increase of \$6.3 million over last year. This includes funding for a new around-the-clock emergency call centre and more than 40 new staff to support the community and the volunteers.

A range of anniversary celebrations are taking place this week. A street parade will be held through Sydney City on Saturday (*November 12*). Not only will this be an opportunity for members from around the State to get together but also for the community to thank the volunteers in orange for their hard work and commitment. The Government was pleased to support the striking of a commemorative 50th anniversary medallion for each SES member in recognition of their valued service. The SES also is telling its story, in a book by its former Deputy Director General, Chas Keys. The Minister for Emergency Services will launch *In Times of Crisis* on Friday (*November 11*).

The 50th anniversary also was an opportune time to review the *State Emergency Service Act* to ensure it has kept pace with and provides the legislative support for the organisation's development as a modern, efficient emergency service. The bill now before the House outlines a number of amendments to refine the principal Act to formalise arrangements already in place and better reflect the Service's organisational and operational structure and responsibilities.

The primary function of the SES is to prepare, plan for and lead response operations to assist communities affected by floods and storms. SES volunteers routinely secure tarpaulins to roofs damaged by storms and sandbag levee banks and homes to protect them from floodwaters. When necessary, they evacuate people ahead of anticipated flooding and rescue people trapped in floodwaters. It is important that this broad charter to protect life and property will now be explicitly acknowledged in the functions of the service, in much the same way as in the *Fire Brigades Act* and *Rural Fires Act*.

When the Service was established during the dark days of the Cold War, one of the key responsibilities assigned to the SES was for civil defence. The emergence of the terrible threat of global terrorism means we face different challenges today from those in the 1950s. Governments around Australia now have a responsibility to ensure their police and emergency services have the legal powers, resources and training necessary for their roles in counter-terrorism. Civil defence planning is now regarded as a whole-of-government responsibility and is undertaken in NSW by the State Emergency Management Committee through the preparation of emergency management plans. The SES is one of a number of State agencies that would participate in any civil defence operation. For instance, the SES, RFS and Sydney Harbour Foreshore Authority are providing the Safety Site Marshalls for the Sydney CBD evacuation plan. In recognition of this wider responsibility accepted across the Government, this bill amends the Act to remove civil defence planning and operations as a sole SES requirement.

One of the significant and symbolic shortcomings of the *SES Act* is that it makes no reference to the volunteer status of the overwhelming majority of SES members. Especially in its 50th anniversary year, it is important to acknowledge in legislation that the SES is predominately an emergency service comprised of volunteers, thus recognising their invaluable contribution to the State's emergency management and response.

These amendments also formalise a number of practical SES operational and administrative practices and structures. The most fundamental is to recognise the SES Director General's role as the organisation's State Controller. While the *SES Act* and Regulations provide for the appointment of Controllers at Division, Local and Unit levels, no legislative provision is made for a Controller at State level. This common sense amendment establishes that the Director General is at the head of the chain of command. It follows that the Deputy Director General is the Deputy State Controller.

The operational hierarchy of the Service also will be codified in the principal Act, with the provisions regarding SES Unit Controllers and deputies to controllers being elevated from the Regulations. Each of the 232 SES Units belongs to one of 17 Divisions, whose boundaries coincide as closely as possible with major river systems. Paid full-time Division Controllers are responsible for the control of emergency responses by the SES within their defined geographic area. They operate out of a local Division Headquarters and are assisted by a small number of paid staff members, as well as a group of volunteers who help with training, planning, operational and other functions. For reasons of consistency with the organisational arrangements of other emergency services such as the NSW Ambulance Service, Fire Brigades, Rural Fire Service and the Police, the bill replaces the term Divisions in the Principal Act with the term Regions. This is also consistent with the Australian Inter-agency Incident Management System, reducing the potential for confusion between various agencies. The amendment means that Divisional Controllers will be re-named Regional Controllers and provision is also created for the appointment of a Deputy Regional Controller.

Each SES unit is based in a local government area and its members are led by a Local Controller, who is a volunteer. It is accepted that the amalgamation of a number of local councils in recent years has created a larger geographic area of responsibility and greater workload for some Local Controllers. The bill therefore provides for the appointment of more than one local controller for a local government area, should it be necessary, to help spread the workload on our volunteers who have stepped up to a leadership role.

The bill also provides the Director General with the power to form an SES Unit in response to population growth or identified local hazards, not just on receipt of an application. This will provide the Service with a greater degree of flexibility in responding to local needs. At the other end of the spectrum, the NSW SES can also be called upon to assist communities in other States and Territories - notably Queensland, Victoria and the ACT - to respond to emergencies, particularly major storms. Indeed, the *SES Act* allows the Director General to make arrangements for inter-State cooperation in such emergencies. However, this provision contains a practical limitation, in that these cooperative arrangements can only be made with agencies that manage and control SES units in the other States and Territories. While the SES exists in most other jurisdictions, it does not in others, such as the Jervis Bay Territory and Norfolk Island. In this regard, these amendments allow the SES to enter cooperative arrangements with agencies in such territories without their own SES.

The bill also contains a range of housekeeping amendments, including the removal of the antiquated term "tempest" from the Act and elevating the provisions on the granting, suspension and withdrawal of SES membership and the procedures for recording donations to SES Units from the Regulation to the Act. The bill also includes appropriate saving provisions. These amendments present a practical series of reforms to support incremental changes and evolving operational arrangements that have been put in place as the SES has grown and developed.

They have the support of the Volunteer SES Association, the peak body representing the SES volunteers and the Local Government and Shires Associations have expressed no objection. I would like to take this opportunity to congratulate the SES on its achievement of 50 years' service to the community of this State and to wish its members well for their safety as they work to protect communities across NSW now and through the coming summer storm season. I commend the bill to the House.