

## 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):

(a) to change the title of the head of the State Emergency Service (the SES) from Director-General of the State Emergency Service to the Commissioner of the State Emergency Service and to change the title of the Deputy

Director-General to Deputy Commissioner, and

(b) to provide that the SES is to act as the combat agency in respect of tsunamis and is to co-ordinate the evacuation and welfare of affected communities, and

(c) to preclude councillors (within the meaning of the Local Government Act 1993) from being appointed as the controller of an SES unit or as the controller of all SES units in a local government area.

### Outline of provisions

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

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Clause 2 provides for the commencement of the proposed Act (except for Schedule 1 [11]) on the date of assent to the proposed Act. Schedule 1 [11] commences on the later of the date of assent to the proposed Act or 1 July 2009 (the date of the commencement of Schedule 6.3 [1] to the State Revenue and Other Legislation Amendment (Budget Measures) Act 2008 that inserts the provisions being amended).

#### Schedule 1 Amendment of State Emergency Service

##### Act 1989 No 164

Schedule 1 [1], [3], [5] and [11] give effect to the object set out in paragraph (a) of the Overview.

Schedule 1 [4] gives effect to the object set out in paragraph (b) of the Overview.

Schedule 1 [2] provides that notes in the principal Act do not form part of that Act.

Schedule 1 [10] provides that the emergency powers that the SES has in relation to floods, storms and emergencies which the State Emergency Operations Controller directs the SES to deal with also apply in relation to tsunamis.

Schedule 1 [6]–[9] give effect to the object set out in paragraph (c) of the Overview.

Schedule 1 [12] enables savings and transitional regulations to be made consequent on the enactment of the proposed Act.

Schedule 1 [13] inserts specific savings and transitional provisions consequent on the enactment of the proposed Act. Among other things, the provisions make it clear that the amendments precluding councillors from being appointed as unit controllers or local controllers do not affect the appointment of councillors who are also unit controllers or local controllers on the commencement of the proposed amendments.

#### Schedule 2 Amendment of other Acts

Schedule 2.1 amends the Public Finance and Audit Act 1983 as a consequence of the change of title of the head of the State Emergency Service.

Schedule 2.2 amends the Public Sector Employment and Management Act 2002 as a consequence of the change of title of the head of the State Emergency Service.

Schedule 2.3 amends the State Emergency and Rescue Management Act 1989 as a consequence of the change of title of the head of the State Emergency Service.