

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

(a) to modify the membership of the State Emergency Management Committee and to amend its functions,

(b) to clarify the ex officio nature of the positions of the State Emergency Operations Controller and the State Emergency Recovery Controller and the respective Deputy Controller positions,

(c) to modify emergency management arrangements and the manner in which certain emergency management functions are exercised,

(d) to enable police officers to be aided or accompanied by assistants when taking safety measures in danger areas affected by an emergency,

(e) to make a number of miscellaneous amendments of a minor, administrative or consequential nature.

Explanatory note page 2

State Emergency and Rescue Management Amendment Bill 2010

Explanatory note

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.

Schedule 1 Amendment of State Emergency and Rescue Management Act 1989 No 165

Amendments relating to State emergency management and administration

Schedule 1 [4] and [5] provide that the person holding office as Chairperson of the State Emergency Management Committee (established under section 14 of the Principal Act) will no longer be an ex officio member of the State Disasters Council (established under section 11 of the Principal Act) but instead may be appointed as such a member by the Minister.

Schedule 1 [7] enables the Minister to nominate other persons as members of the State Emergency Management Committee in addition to the various ex officio members and agency representatives who currently comprise the Committee.

Schedule 1 [8] provides that any member of the Committee may be appointed by the Minister as Chairperson of the Committee.

Schedule 1 [9] streamlines the functions of the State Emergency Management Committee so as to provide a more strategic policy focus. As a consequence of the Committee's revised functions (which include reviewing the State Disaster Plan, or **Displan**, and recommending alterations to Displan), **Schedule 1 [3] and [6]** modify the Minister's role in relation to Displan.

Schedule 1 [10] requires the Chief Executive, Emergency Management NSW to provide the annual report of the State Emergency Management Committee, as approved by the Committee, to the Minister instead of the Committee providing the report to the Minister.

Schedule 1 [11] makes it clear that the positions of the State Emergency Operations Controller and Deputy Controller are ex officio positions that are held by the holders of certain positions in the NSW Police Force (including persons acting in those Police Force positions). **Schedule 1 [13]** makes a similar amendment in relation to the positions of the State Emergency Recovery Controller (which is held by the Chief Executive, Emergency Management NSW) and Deputy Controller (which is held by a person holding a senior position in the Government Service). **Schedule 1 [2]** is a consequential amendment and **Schedule 1 [27]** removes redundant provisions

relating to the Controllers and Deputy Controllers.

Schedule 1 [12], [15] and [16] provide that the Emergency Operations Controller at the State level or at a district or local level will, instead of providing assistance to the combat agency that is responsible for controlling the response to an emergency, be authorised to carry out functions specified by the combat agency concerned.

Explanatory note page 3

State Emergency and Rescue Management Amendment Bill 2010

Explanatory note

Schedule 1 [14] ensures that the local government representative on each District Emergency Management Committee is the Chairperson of the respective Local Emergency Management Committee.

Schedule 1 [17] provides that emergency services officers, who have certain functions under the Principal Act during a state of emergency, will include members of the Ambulance Service of NSW of or above the rank of station officer.

Miscellaneous amendments

Schedule 1 [1], [18] and [24] are statute law revision amendments that update or remove references to repealed legislation.

Schedule 1 [19] provides that any agency which manages or controls an accredited rescue unit must notify the police immediately after becoming aware of an incident involving the rescue of a person. At present, only the agencies that manage or control Fire Brigades or Ambulance Service accredited rescue units are required to notify the police of rescue incidents.

Schedule 1 [20] provides that the danger area in which police officers may exercise certain functions in relation to an emergency is the area specified by a senior police officer as the area affected by the emergency. **Schedule 1 [21]** is a consequential amendment.

Schedule 1 [22] provides that a police officer may exercise functions relating to the taking of safety measures in a danger area (for example, shutting off power supply) with the assistance of such persons as the police officer considers necessary.

Schedule 1 [23] makes it clear that staff may be employed under the *Public Sector Employment and Management Act 2002* to enable the State Emergency Recovery Controller to exercise his or her functions.

Schedule 1 [25] makes it clear that the public sector staff who are employed to enable the various emergency and rescue management organisations set up under the Principal Act to exercise their respective functions may also be employed to provide executive and operational support facilities for those organisations.

Schedule 1 [26] provides for the tabling of certain annual reports under the Principal Act when Parliament is not sitting.

Schedule 1 [28] enables regulations of a savings or transitional nature to be made as a consequence of the proposed Act.

Schedule 1 [29] preserves the appointment of the existing Chairperson of the State Emergency Management Committee.