

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):

(a) to provide for the appointment of a State Emergency Recovery Controller and a Deputy State Emergency Recovery Controller, and

(b) to make provision with respect to functions and responsibilities of the State Emergency Recovery Controller, and

(c) to provide that the State Emergency Recovery Controller is to be a member of the State Disasters Council and the State Emergency Management Committee.

This Bill also makes a consequential amendment to the State Emergency Service Act 1989.

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 to the proposed Act.

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

Schedule 1 [1] amends section 3 of the principal Act to include definitions for the terms State Emergency Recovery Controller (being the State Emergency Recovery Controller appointed under proposed section 20A) and recovery agency (being an agency identified in the State Disaster Plan as the agency primarily responsible for controlling the recovery from an emergency).

Schedule 1 [2] amends section 10 of the principal Act to provide that the State Emergency Recovery Controller exercises his or her functions under the principal Act subject to the control and direction of the Minister.

Schedule 1 [3] amends section 10 (4) of the principal Act to provide that the Minister may delegate certain functions under the principal Act to the State Emergency Recovery Controller.

Schedule 1 [4] amends section 11 of the principal Act to provide that the State Emergency Recovery Controller is to be a member of the State Disasters Council.

Schedule 1 [5] amends section 12 of the principal Act to provide that the State Disaster Plan is to specify the responsibilities of the State Emergency Recovery Controller.

Schedule 1 [6] amends section 14 of the principal Act to provide that the State Emergency Recovery Controller is to be a member of the State Emergency Management Committee.

Schedule 1 [8] inserts proposed Subdivision 5 (proposed sections 20A and 20B) in Division 1 of Part 2 of the principal Act.

Proposed section 20A provides that the Minister may appoint:

(a) a senior executive officer, with experience in emergency management, as the State Emergency Recovery Controller, and

(b) a senior executive officer or senior officer, with experience in emergency management, as the Deputy State Emergency Recovery Controller, to exercise the functions of the State Emergency Recovery Controller during any absence of, or vacancy in the office of, the State Emergency Recovery Controller.

Proposed section 20B makes provision for the responsibilities and functions of the State Emergency Recovery Controller. In particular, the section deals with the following matters:

(a) the circumstances in which the State Emergency Recovery Controller is

responsible for the recovery from an emergency,
(b) the circumstances in which the State Emergency Recovery Controller may assume responsibility for the recovery from an emergency when the State Disaster Plan designates a recovery agency with primary responsibility for controlling the recovery from the emergency,

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(c) the authority of the State Emergency Recovery Controller to issue directions to certain agencies and appoint officers to control particular activities of certain agencies, where the State Emergency Recovery Controller is responsible for controlling the recovery from an emergency.

Schedule 1 [7] and [9]–[11] make consequential amendments.

Schedule 1 [12] and [13] make minor amendments in the nature of statute law revision.

Schedule 1 [14] amends clause 1 of Schedule 4 to the principal Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 2 Amendment of State Emergency Service

Act 1989 No 164

Schedule 2 makes a consequential amendment to section 8 of the State Emergency Service Act 1989.