

House of Assembly—No 78

As laid on the table and read a first time, 22 November 2006

South Australia

**Emergency Management (State Emergency Relief
Fund) Amendment Bill 2006**

A BILL FOR

An Act to amend the *Emergency Management Act 2004*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Emergency Management Act 2004*

- 3 Amendment of section 37—State Emergency Relief Fund
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Emergency Management (State Emergency Relief Fund) Amendment Act 2006*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Emergency Management Act 2004*

3—Amendment of section 37—State Emergency Relief Fund

- 10 (1) Section 37(2)—delete subsection (2) and substitute:

- (2) Any money received by the Minister for the relief of persons who suffer injury, loss or damage as a result of a declared emergency or proclaimed situation, or otherwise to assist communities adversely affected by the impact of a declared emergency or proclaimed situation (in response to a public appeal), must be paid into the fund.

- 15 (2) Section 37(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) Subject to this section, no money received by the fund in respect of a particular declared emergency or proclaimed situation may be disbursed otherwise than to, or for the purpose of the relief of, persons who suffered injury, loss or damage as a result of that declared emergency or proclaimed situation, or to assist communities adversely affected by that declared emergency or proclaimed situation.

- 20 (6) If the committee is satisfied that it has made sufficient payment to persons or communities on account of a particular declared emergency or proclaimed situation, the committee may, with the approval of the Governor, leave the balance of the money in the fund to be applied under this section for the purpose of responding to some future declared emergency or proclaimed situation.

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(3) Section 37(7)—delete "an emergency" and substitute:
a declared emergency or proclaimed situation

(4) Section 37(9)—delete subsection (9) and substitute:

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(9) Money paid to the fund pursuant to subsection (8) may be disbursed for the purpose of responding to the declared emergency or proclaimed situation in respect of which the money was first paid, or for the purpose of responding to a future declared emergency or proclaimed situation.

(5) Section 37—after subsection (10) insert:

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(11) In this section—

declared emergency means an emergency in respect of which a declaration under this Act has been made;

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proclaimed situation means a situation or circumstance that is within the ambit of a proclamation made by the Governor for the purposes of this section.

(12) A proclamation made for the purposes of the definition of ***proclaimed situation***—

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(a) may apply by reference to any factor specified by the proclamation, including by limiting the scope of the proclamation by area or a period of time; and

(b) may, from time to time as the Governor thinks fit, be varied or substituted by a new proclamation.