

South Australia

Emergency Management (Miscellaneous) Amendment Act 2016

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Emergency Management Act 2004*

- 4 Insertion of section 2
 - 2 Objects and guiding principles
- 5 Amendment of section 3—Interpretation
- 6 Insertion of Part 1A
 - Part 1A—State Emergency Management Plan
 - 5A State Emergency Management Plan
- 7 Amendment of section 9—Functions and powers of SEMC
- 8 Amendment of section 11—Establishment of advisory groups by SEMC
- 9 Amendment of section 15—Functions and powers of State Co-ordinator
- 10 Amendment of section 19—Co-ordinating agency
- 11 Amendment of section 20—Control agency
- 12 Amendment of section 25—Powers of State Co-ordinator and authorised officers
- 13 Amendment of section 27—Recovery operations

Schedule 1—Transitional provisions

- 1 Continuation of State Emergency Management Plan
 - 2 Recovery operations advisory group
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Emergency Management (Miscellaneous) Amendment Act 2016*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—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*

4—Insertion of section 2

After section 1 insert:

2—Objects and guiding principles

- (1) The objects of this Act are—
 - (a) to establish an emergency management framework for the State that—
 - (i) promotes prompt and effective decision-making associated with emergencies; and
 - (ii) makes provision for comprehensive and integrated planning in relation to emergencies; and
 - (b) to promote community resilience and reduce community vulnerability in the event of an emergency.
- (2) The objects of this Act are to be achieved through—
 - (a) establishing the State Emergency Management Committee; and
 - (b) providing for the appointment of a State Co-ordinator; and
 - (c) the preparation, review and maintenance of the State Emergency Management Plan; and
 - (d) making provision for declarations relating to emergencies and disasters; and
 - (e) establishing structures for risk prevention and preparedness; and
 - (f) establishing structures to support a seamless transition from response to recovery in relation to an emergency.
- (3) The guiding principles under this Act are that emergency management arrangements must—
 - (a) be based on an all hazards approach in addressing emergency prevention, preparedness, response and recovery (*PPRR*); and
 - (b) reflect the collective responsibility of all sectors of the community, including both State and local government, the business and non-government sectors, and individuals; and

- (c) recognise that effective arrangements require a co-ordinated approach from all sectors of the community, including both State and local government, the business and non-government sectors, and individuals.

5—Amendment of section 3—Interpretation

- (1) Section 3—after the definition of *major emergency* insert:

PPRR—see section 2(3)(a);

preparedness, in relation to an emergency, means arrangements made to ensure that, should an emergency occur, the resources and services needed to cope with the effect of the emergency can be mobilised and deployed efficiently;

prevention, in relation to an emergency, means measures taken to eliminate or reduce the incidence of severity of the emergency;

- (2) Section 3, definitions of *recovery operations* and *response operations*—delete the definitions and substitute:

recovery operations means the conduct of any measures (such as human, economic and environmental measures) taken during or after an emergency, being measures necessary to assist the re-establishment of the normal pattern of life of individuals, families and communities affected by the emergency and includes—

- (a) the restoration of essential facilities and services; and
- (b) the restoration of other facilities, services and social networks necessary for the normal functioning of a community; and
- (c) the provision of information, material and personal needs; and
- (d) the provision of means of emotional support; and
- (e) the recovery of the natural environment; and
- (f) support to assist the recovery of business;

response operations means any measures taken in anticipation of, during or immediately after an emergency to ensure that the effect of the emergency is minimised and that affected individuals are given immediate relief and support;

- (3) Section 3, definition of *State Emergency Management Plan*—delete the definition and substitute:

State Emergency Management Plan or *SEMP*—see Part 1A;

6—Insertion of Part 1A

After section 5 insert:

Part 1A—State Emergency Management Plan

5A—State Emergency Management Plan

- (1) SEMC must prepare, keep under review and maintain the State Emergency Management Plan (*SEMP*) which must detail strategies for dealing with emergencies in the State, including strategies—
 - (a) for the prevention of emergencies; and
 - (b) relating to preparedness for emergencies; and
 - (c) for the containment of emergencies; and
 - (d) for the co-ordination of response and recovery operations; and
 - (e) for the orderly and efficient deployment of resources and services in connection with response and recovery operations.
- (2) The *SEMP* may be comprised of 1 plan or a series of plans and may relate to all sectors of the community, including both State and local government, the business and non-government sectors, and individuals.
- (3) Without limiting the generality of subsection (1), the *SEMP* may make provision for—
 - (a) the establishment of a committee to provide a forum to plan for and address emergency management (PPRR) training and other requirements for organisations; and
 - (b) the appointment of a specified agency to take the lead in planning emergency management activities for inclusion in the *SEMP* relating to the prevention of, preparedness for, response to and recovery from a particular hazard; and
 - (c) the division of the State into zones (*Emergency Management Zones*) (which may be comprised of 1 or more, or a part of 1 or more, areas of a council and any other area of the State); and
 - (d) for each Emergency Management Zone—the establishment of a management committee with responsibility for preparing, keeping under review and maintaining local planning for the Zone for the purposes of the *SEMP*; and

Note—

See also section 7(d) of the *Local Government Act 1999* which provides that 1 of the functions of a council is to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards.

- (e) the appointment of a co-ordinator for each Emergency Management Zone; and
- (f) the designation of specified locations for the purposes of the SEMP; and
- (g) any other matter consistent with the objects and guiding principles of this Act that should, in the opinion of SEMC, be included in the SEMP.

7—Amendment of section 9—Functions and powers of SEMC

- (1) Section 9(1)(b)—delete "State Emergency Management Plan" and substitute:
SEMP
- (2) Section 9(1)(e)—delete "State Emergency Management Plan" and substitute:
SEMP
- (3) Section 9(1)(f)—delete "State Emergency Management Plan" and substitute:
SEMP
- (4) Section 9(1)(h)—delete paragraph (h) and substitute:
 - (h) to monitor and evaluate the implementation of the SEMP and the response and recovery operations taken during or following—
 - (a) any identified major incident, major emergency or disaster declared under this Act; and
 - (b) any other emergency as SEMC thinks fit;

8—Amendment of section 11—Establishment of advisory groups by SEMC

Section 11(2)—delete subsection (2)

9—Amendment of section 15—Functions and powers of State Co-ordinator

Section 15(a)—delete "State Emergency Management Plan" and substitute:
SEMP

10—Amendment of section 19—Co-ordinating agency

- (1) Section 19(2)—delete "State Emergency Management Plan" and substitute:
SEMP
- (2) Section 19(3)(d)—delete "State Emergency Management Plan" and substitute:
SEMP

11—Amendment of section 20—Control agency

- (1) Section 20(1)(a)—delete "State Emergency Management Plan" and substitute:
SEMP
- (2) Section 20(1)(b)—delete "State Emergency Management Plan" and substitute:
SEMP

12—Amendment of section 25—Powers of State Co-ordinator and authorised officers

- (1) Section 25(1)—delete "State Emergency Management Plan" and substitute:

SEMP

- (2) Section 25(2)(j)—delete "shut off, or cut off," and substitute:

connect, disconnect, reconnect, shut off or cut off

13—Amendment of section 27—Recovery operations

Section 27(1)—delete "State Emergency Management Plan" and substitute:

SEMP

Schedule 1—Transitional provisions

1—Continuation of State Emergency Management Plan

The State Emergency Management Plan in force under the *Emergency Management Act 2004* immediately before the commencement of section 6 of this Act continues, after that commencement, as the State Emergency Management Plan under section 5A of the *Emergency Management Act 2004*.

2—Recovery operations advisory group

- (1) An advisory group established under section 11(2) of the *Emergency Management Act 2004* and in existence immediately before the commencement of section 8 of this Act continues, after that commencement, as an advisory group to advise the State Emergency Management Committee in relation to recovery operations as if it were an advisory group established under section 11(1)(a) of the *Emergency Management Act 2004*.
- (2) An advisory group continued in existence under subclause (1) retains the same membership, presiding member, procedures for the conduct of business and any delegation in place immediately before the commencement of section 8 of this Act, subject to any determination of the State Emergency Management Committee after that commencement under section 11 of the *Emergency Management Act 2004*.