

**EMERGENCY MANAGEMENT AMENDMENT BILL 2016**

*Introduction and First Reading*

Bill introduced, on motion by **Mr J.M. Francis (Minister for Emergency Services)**, and read a first time.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR J.M. FRANCIS (Jandakot — Minister for Emergency Services)** [4.32 pm]: I move —

That the bill be now read a second time.

Keeping our community safe is a top priority of this government and each year significant investment is made by the state in preventing, preparing for, responding to and recovering from large-scale natural and man-made emergencies that require a multi-agency response. An integral component of this is the state emergency management framework. At the core of this framework is the Emergency Management Act 2005, which provides for prompt and coordinated organisation of emergency management in this state. The amendments within this bill will strengthen the state's capability to provide an emergency management response in such situations.

On 18 August 2011, the report of the special inquiry titled "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review" was tabled. The tabling of this report prompted consideration of the role that the State Emergency Management Committee could play in strengthening the state's ability to prevent, prepare for, respond to and recover from emergencies that threaten our community. As a result, this bill amends the act by providing the SEMC with a new function to review the implementation of past inquiries and investigations and to prepare and provide the minister of the day with a report based on that review. Further, the functions and membership of the SEMC will be changed to provide for the remuneration of the SEMC members and SEMC subcommittee members at the discretion of the minister of the day and on the recommendation of the Public Sector Commissioner; make changes to the ex officio membership and qualifications of the SEMC; and change the membership of the State Emergency Coordination Group. These amendments clarify the difference in roles and responsibilities between the strategic coordination of the SECG in response to an emergency and the strategic planning role of the SEMC ahead of an emergency.

The bill also incorporates the eight recommendations made from the statutory review of the act tabled in Parliament on 4 December 2013. In line with the objective of the act to provide for prompt and coordinated organisation of emergency management in this state, the review found the act to be operating adequately towards meeting its legislative objectives; however, a number of areas were identified in which it was considered that existing provisions should be strengthened or new provisions introduced. This will enhance the state's capability to provide a significant and coordinated emergency response to the occurrence of hazards, especially unforeseen and therefore unlisted hazards.

In order to speed up the process of making an emergency situation declaration, this bill allows for a verbal declaration of an emergency situation to be made by the hazard management agency or the State Emergency Coordinator, which is then to be followed up in writing as soon as is practicable. A further measure to facilitate a rapid emergency management response is for emergency management officers—that is, police officers or prescribed persons—to access powers under section 67 relating to movement of people, animals and vehicles prior to an emergency situation declaration being made. This allows for those first on the scene of an emergency to take appropriate measures to protect the community.

A further measure to better protect the community lies in being able to provide an emergency management response to the occurrence of an unlisted hazard; that is, an event, situation or condition that is not defined or prescribed within the act or the Emergency Management Regulations 2006. Currently, an emergency management response can be provided only for hazards contained within emergency management legislation. In the event of an unlisted hazard occurring, the SEC or the minister can declare the event, situation or condition to be a hazard for the purposes of the act. The declaration would relate to the particular occurrence or imminent occurrence of an event, situation or condition.

The bill also further expands the definition of "hazard" to include the suspected occurrence of a terrorist act; the presence of an animal or plant pest or disease; and spillage, release or escape of a chemical, biological, radiological or other substance. These hazards have the potential to produce catastrophic consequences, and the certainty of their existence may not be immediately apparent. "Terrorist act" is defined as an act undertaken with the intention of advancing a political, religious or ideological cause. This intention is not always clear and it is therefore necessary to be able to respond to a suspected terrorist act. The final amendment to the definition of "hazard" is to include disruption to essential services as a hazard.

This bill also —

expands the definition of “welfare services” to include “social services” as defined in the Children and Community Services Act 2004 and thus expands the scope of essential support that can be provided to the community by the Department for Child Protection and Family Support during very difficult times;

provides clarity around the definition of “emergency management” and provides a definition of “emergency management aspect”;

removes redundant terminology—namely, the use of the terms “combat agency” and “support organisation”—and includes the agencies they formerly described within the term “emergency management agency”;

amends the term “local emergency management arrangements” to “local emergency management plan”;

moves the prescriptive requirements of the content of local emergency management plans from the act to SEMC policy;

clarifies the function of district emergency management committees to assist local government in the establishment and maintenance of the local emergency management plans; and

clarifies that local government can take preparatory action ahead of the cyclone season within a cyclone area and does not have to wait for a cyclone to develop to undertake work such as giving directions to members of the public to destroy or remove items that would pose a danger.

In conclusion, this bill will strengthen the state’s capability to provide a significant and coordinated emergency response to the occurrence of hazards and is in keeping with this government’s top priority to keep the community of Western Australia safe.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.