**STATE DISASTER ACT AMENDMENT BILL 1984**

**Legislative Assembly, 5 December 1984, page 2189**

Second reading

**The Hon. J.C . BANNON (Premier and Treasurer)** obtained leave and introduced a Bill for an Act to amend the State Disaster Act, 1980. Read a first time.

The Hon. J.C. BANNON: I move. That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

The State Disaster Act provision for the declaration of a ‘state of disaster’ has been used only once—on Ash Wednesday 16 February 1983. Subsequently there were, inter alia, special inquiries by a Review Team comprising Brigadier L.J. Lewis and Mr W.M. Scriven and by a working party established as a subcommittee by the State Disaster Committee. Their recommendations and those of others were discussed at a seminar in November 1983, when it was accepted that the Act, regulations and State Disaster Plan needed amendment.

The subcommittee of the State Disaster Committee made recommendations recently regarding the Act and regulations and, following revision of their suggestions by the State Disaster Committee, this Bill was drafted. Regulations are in preparation and recommendations concerning the plan are currently before the State Disaster Committee. The subcommittee consisted of representatives of police, Country Fire Services, Metropolitan Fire Service, Department for Community Welfare, local government and State Emergency Service and the suggested amendments have the support of those bodies as well as the State Disaster Committee. Over the past 18 months much work has been done to improve State disaster preparedness. Representation at State Disaster Committee meetings has been extended by the representatives of certain functional services acting as de facto members or observers, and co-operation between services has been enhanced.

Communications have been and are being improved, common maps have been issued, the committee to look at CFS/MFS co-operation has arranged a common emergency centre (in the new MFS Building) which will be manned on dangerous days, seven regional SES officers are being recruited, arrangements in the State Emergency Operations Centre have been improved and Exercise Shakeup II has tested the Centre and the functional service headquarters. Further improvement is continuing, particularly in the area of regional disaster plans. These amendments to the Act are put forward in association with these activities.

The explanations of the clauses as set out below do not generally need amplification but there are two new concepts. Lack of workers compensation cover is something which worries volunteers engaging in the often hazardous work of combating disasters and clearing up afterwards. Whilst there is cover during a declared state of disaster, it became apparent after Ash Wednesday II that clearing up operations continued for some time after the expiration of the declared period of disaster. From a drafting viewpoint the best method of overcoming this was to include provision for the Governor to declare also a ‘post-disaster period’ of up to seven days which would relate to the provision of workers compensation cover only. This period will not afford any extra powers to authorised officers except that they may be directed to assist the owners of property. No post-disaster operation may be carried out except at the request of the owner.

The other entirely new feature is the proposed establishment of a ‘State Disaster Fund’ with provision for a committee to administer it subject to directions of the Governor as to principles. This formalises the type of arrangement used after Ash Wednesday II when so much private money was generously donated from sources throughout Australia.

Clauses 1 and 2 are formal. Clause 3 amends the arrangement of the Act. Clause 4 amends various definitions. It is made clear that the meaning o f ‘disaster’ includes epidemics of disease. It is also made clear that ‘disaster area’ can clearly mean either the whole, or a part, of the State, depending on the terms of the declaration. New definitions of ‘post-disaster operations’ and ‘post-disaster period’ are provided.

Clause 5 enlarges the State Disaster Committee to include nominees from the State Emergency Service, the Metropolitan Fire Service, the Country Fire Services, the Local Government Association and the Minister of Community Welfare. Clause 6 provides that the State Disaster Committee must monitor the standard operating procedures for handling fires, floods, etc., of those organisations that play a role in the State Disaster Plan. Clause 7 makes it clear that a state of disaster declared by the Governor lasts for 96 hours from the time of the making of the declaration.

Clause 8 restates the various measures that can be taken during the continuance of a state of disaster, in a form that empowers both the State Co-ordinator and any authorised officer to do, or cause to be done, any of those things. It is made clear that animals can be destroyed. It is also made clear that the movement of persons, vehicles, etc., can not only be prohibited but also be directed. Clause 9 inserts a new Part that deals with post-disaster operations. New section l6a provides that the Governor may declare a post-disaster period for a specified number of hours running on from the end of the state of disaster, but being no more than 168 hours (that is, seven days). This period cannot be extended or renewed. Financial provisions similar to those in section 14 of the Act are provided. New section 16b spells out the measures that an authorised officer may take, at the request of an owner of property, during a post-disaster period. Basically the measures are in the nature of assistance in ‘mopping-up’ operations and action to prevent further loss or injury. Such measures may of course only be taken within the disaster area. Volunteers may assist an authorised officer in this work.

Clause 10 extends the protection provided by this section in respect of absence from employment to authorised officers involved in post-disaster operations. Clause 11 extends the workers compensation cover provided by this section to authorised officers and volunteers who assist them in carrying out post-disaster operations.

Clause 12 is a consequential amendment. Clause 13 provides for the establishment and administration of a fund into which donations for disaster relief may be paid. The fund will be administered by a committee subject to directions from the Governor. Clause 14 removes a provision that empowered the Governor to promulgate the State Disaster Plan by regulation.

The Hon. B.C. EASTICK secured the adjournment of the debate.