

Tabled, by leave; Mr Graham

STATEMENT OF PUBLIC INTEREST.....

STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL 2024 amendments

15/10/2024

Need: Why is the policy needed based on factual evidence and stakeholder input?

The State Emergency and Rescue Management Amendment Bill 2024 proposes several changes to the *State Emergency and Rescue Management Act 1989* to streamline and improve the management of incidents and emergencies in New South Wales. These proposed amendments are a result of the findings and recommendations of various reviews and emergency management working groups.

The *State Emergency and Rescue Management Act 1989* is being amended to:

- permit responsible persons of Emergency Service Organisations to temporarily close a road or road related area in relation to an obstruction or danger to traffic. The power cannot be exercised if the closure is inconsistent with a direction given by a police officer, Transport for NSW or the relevant roads authority and the person who closes the road would be required to notify NSW Police Force and Transport for NSW as soon as practicable after the closure. This proposed amendment was developed by a working group, which included agency representatives from the emergency services organisations and Transport for NSW. The working group was established to identify potential pathways to improve the safety of emergency services workers and the public when managing incidents and emergencies.
- make Education Services a Functional Area. This was recommended following the State Emergency Management Committee's review of the NSW State Emergency Management Plan in 2023. As a Functional Area, Education Services acts as the single coordination point for the education sector during all stages of an emergency.
- create a new function of the State Emergency Management Committee to support emergency services and other organisations to plan for the development and maintenance of the capabilities and service delivery capacity of the emergency management volunteer workforce. This was a recommendation from the Review of Emergency Volunteering Report. The Report emphasised that the volunteer workforce should be supported, in the medium and long term, to meet the growing challenge of more frequent and compounding disasters.
- include "Local Emergency Operations Controllers" and "Regional Emergency Operations Controllers" within the definition of "directing officer". LEOCONs and REOCONs control emergencies at the local and regional levels respectively and it is appropriate that they be able to exercise powers to direct the taking of emergency safety measures during an emergency. These powers include the power to direct evacuations and pulling down or shoring up damaged walls.
- Make housekeeping amendments including: updating references to clarify that the "Secretary" means the Secretary of the Premier's Department (to reflect current administrative arrangements); refer to the correct name for "VRA Rescue NSW Limited"; and remove a reference to the repealed section 60.

Objectives: What is the policy's objective couched in terms of the public interest?

The Government is committed to ensuring that the state's legal framework and governance for emergency and rescue management operates effectively. The Bill contains several amendments to improve safety on roads and enhance coordination and planning in the development and maintenance of the emergency management volunteer workforce.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The Bill's amendments address specific issues with legislation. The emergency management legal framework is a matter for government and cannot be addressed via alternative mechanisms.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill does not impose any appreciable cost or burden on the public or any groups of the public. As such, no alternative policies and mechanisms have been considered or analysed.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

If enacted, Schedule 1 clauses [1] to [9] and [11] will commence on the date of assent to this Act. Schedule 1 clause [10] will commence on 1 January 2025.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Relevant Ministers, and government and non-government agencies were consulted in the development of the proposal and the Bill. These agencies include the Emergency Services Organisations (Ambulance Service of NSW, Fire and Rescue NSW, NSW Police Force, NSW Rural Fire Service, State Emergency Service, Surf Life Saving NSW, Volunteer Marine Rescue NSW and VRA Rescue NSW), Department of Education and Transport for NSW. Other government agencies were also given the opportunity to provide feedback.