

EMERGENCY MANAGEMENT AMENDMENT BILL 2016

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.11 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 have been 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. The role of the SECG is to coordinate the response to an emergency, while the role of the SEMC is to develop policy and undertake strategic planning. The amendment clarifies these roles and responsibilities.

The bill also incorporates the eight recommendations made from the statutory review of the act, the first review carried out since the commencement of the act in December 2005. The report of the statutory review was 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. A number of areas were identified, however, where it was considered that existing provisions should be strengthened or new provisions introduced to 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 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, to be followed up in writing as soon as is practicable. 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 nor 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 a particular occurrence or imminent occurrence of an event, situation or condition, not to the type. The SEC may, in writing, appoint a hazard management agency for either or both of the aspects of response and recovery to address the hazard. The SECG may also be convened. Additionally, an emergency situation declaration or a state of emergency may be declared.

The bill also further expands the definition of hazard to include the suspected occurrence of the following hazards—terrorist act; presence of an animal or plant pest or disease; and spillage, release or escape of a chemical, biological, radiological or other substance. A terrorist act is described as an act undertaken with the intention of advancing a political, religious or ideological cause; and this was not clear. These amendments will allow an emergency response to be provided based on the suspicion of the aforementioned hazards. 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. The bill will provide clarity around the definition of emergency management and provides a definition of emergency

management aspect. It also makes provision, once the regulations are amended, for the relevant hazard management agency to make an emergency situation declaration with respect to a hazard for which it has responsibility for all aspects or for just one or more aspects.

The act requires local governments to have local emergency management arrangements in place for their districts. Prescriptive requirements on local government to establish and maintain local emergency management plans are removed from the act and, instead, are included within SEMC policy to provide the flexibility to maintain alignment with contemporary emergency management practices. A further amendment will be to clarify the function of district emergency management committees and the role of local government in respect to preparing for a hazard such as cyclones.

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.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4341.]

Debate adjourned, pursuant to standing orders.