

Emergency Management Bill 1986

EXPLANATORY MEMORANDUM

Clause 1 defines the purpose of the Act.

Clause 2 Commencement.

Clause 3 repeals the *State Disasters Act 1983*.

Clause 4 defines terms used in the Act.

Clause 5 designates the Minister for Police and Emergency Services as the Co-ordinator in Chief of Disaster Control and provides for the appointment of a Deputy Co-ordinator.

Clause 6 defines the role of the Co-ordinator in Chief.

Clause 7 empowers the Co-ordinator in Chief to delegate functions, etc., to any person.

Clause 8 establishes a State Disasters Council to advise the Co-ordinator in Chief.

Clause 9 empowers the Co-ordinator in Chief, after considering the advice of the Council, to establish committees to assist in emergency management.

Clause 10 gives statutory recognition to the State Disaster Response Plan (DISPLAN) by requiring the Co-ordinator in Chief to prepare and review such a plan.

Clause 11 designates the Chief Commissioner of Police as the State Co-ordinator of DISPLAN and provides for the appointment of a Deputy State Co-ordinator.

Clause 12 empowers the State Co-ordinator to delegate functions, etc., to any person.

Clause 13 requires the State Co-ordinator to appoint DISPLAN zone and regional co-ordinators.

Clause 14 empowers the State Co-ordinator to establish planning and co-ordination committees.

Clause 15 specifies the main provisions to be included in DISPLAN.

Clause 16 empowers the State Co-ordinator and zone and regional co-ordinators to give directions concerning the overall control of response activities and the allocation of resources in responding to emergencies.

Clause 17 requires the Co-ordinator in Chief to publish and disseminate copies of DISPLAN.

Clause 18 defines the scope of Part 4 of the Act.

Clause 19 makes municipal councils responsible for planning for the best use of municipal resources in the management of emergencies within municipalities.

Clause 20 requires municipal councils to establish emergency management groups and emergency management planning committees and defines their functions.

Clause 21 empowers municipal councils to use the resources of a municipality in emergency management.

Clause 22 defines terms used in Part 5.

Clause 23 empowers the Premier to declare a state of disaster when there exists a significant and widespread danger to life or property in Victoria.

Clause 24 makes the Co-ordinator in Chief responsible during a state of disaster for the co-ordination of government agencies and the allocation of all resources necessary to

respond to the disaster and prescribes specific powers which the Co-ordinator in Chief may exercise during a state of disaster.

Clause 25 defines terms used in Part 6.

Clause 26 provides for the registration of members, officers and volunteer workers of agencies to which DISPLAN applies for the purposes of compensation and immunity from liability.

Clause 27 provides for the payment of compensation to any registered emergency worker who is injured or killed or who suffers loss or damage to property while—

- (a) engaging in any activity of an agency under DISPLAN;
- (b) training for such activity; or
- (c) travelling to or from such an activity or training.

Clause 28 provides for personal injury compensation to be payable in accordance with the Accident Compensation Act.

Clause 29 provides for compensation for loss or damage to property to be as determined by the Minister.

Clause 30 empowers the Accident Compensation Tribunal to determine any question relating to compensation.

Clause 31 provides for the Accident Compensation Commission to represent the Crown in compensation claims.

Clause 32 entitles the Commission to be awarded costs from the Consolidated Fund.

Clause 33 empowers the Tribunal to make rules.

Clause 34 debars claims for both compensation and damages and empowers the Minister to recover compensation payments from third parties.

Clause 35 provides for compensation for personal injury, loss or damage to property and property used during a state of disaster to be paid from the Consolidated Fund.

Clause 36 creates an offence of obstructing or interfering with any person engaged in any activity of an agency under DISPLAN.

Clause 37 provides an immunity from liability for registered emergency workers operating under DISPLAN where no negligence or wilful is involved.

Clause 38 creates an offence of making a false claim for compensation.

Clause 39 contains regulation-making powers.