

# Emergency management Responsibilities and powers to act

## Information Sheet



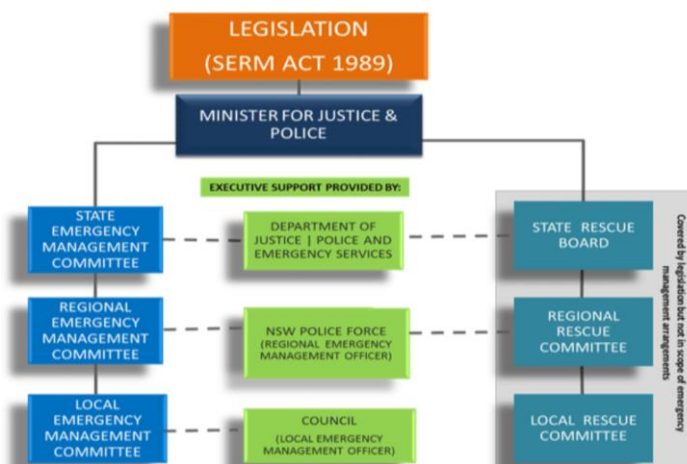
### Introduction

The management of emergencies, and the allocation of powers to act in the prevention of, preparation for, response to and recovery from emergencies, is governed by legislation and plans at a national, state, regional and local level.

### Emergency management structure

Emergency management is effective when everyone works together and is co-ordinated according to the plans required by legislation. This collaboration is needed all the way from prevention through to recovery, to address any identified risk that may arise.

The following illustrates the management structure and the committees established by the [State Emergency and Rescue Management Act 1989](#) (SERM Act).



### Minister for Emergency Services

The Minister for Emergency Services is responsible for:

- ensuring that adequate measures are taken by government agencies to prevent, prepare for, respond to, and assist recovery from emergencies
- coordinating the activities of government agencies in taking those measures
- approving and altering when required the State Emergency Management Plan.

### State Emergency Management Committee and controllers

The State Emergency Management Committee is the peak committee of officials, which develops emergency management policy and oversees emergency management in New South Wales. This committee advises the Minister on all matters relating to the prevention of, preparation for, response to and recovery from emergencies. The Commissioner of Police acts as the State *Emergency Operations* Controller and is generally responsible for controlling the response to an emergency that affects more than one region. The Secretary of the Department of Justice acts as the State *Emergency Recovery* Controller and is responsible for controlling recovery from an emergency that affects more than one region.

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Both can issue directions to agencies who have functions in responding to emergencies.

### **Regional Emergency Management Committee and controller**

For emergency management purposes, the State is divided into emergency management regions. In each of these regions, a Regional Emergency Management Committee is established under the State Emergency and Rescue Management Act 1989. This committee is responsible for preparing and reviewing plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the region for which it is established. The Regional Commander, NSW Police Force acts as the Regional Emergency Operations Controller, and is responsible for controlling the response to an emergency in a region and can issue directions to agencies who have functions in responding to emergencies.

### **Local Emergency Management Committee and controller**

Local Emergency Management Committees are responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the Local Government Area for which they are established.

The Local Commander, NSW Police Force acts as the Local Emergency Operations Controller. The Local Emergency Operations Controller is generally responsible for controlling the response to an emergency in the relevant local government area and can issue directions to agencies who have functions in responding to emergencies. Councils are required under the SERM Act to provide executive support, such as facilities and administrative support to a Local Emergency Management Committee and controller.

### **Emergency management plans and planning**

The NSW emergency management planning framework is set via the combination of the State Emergency and Rescue Management Act 1989 and other legislation as well as Government priorities endorsed by the State Emergency Management Committee. Emergency management planning is a structured process that comprises three types of plans at state, regional or local level where appropriate. The interaction of the various plans is shown below.

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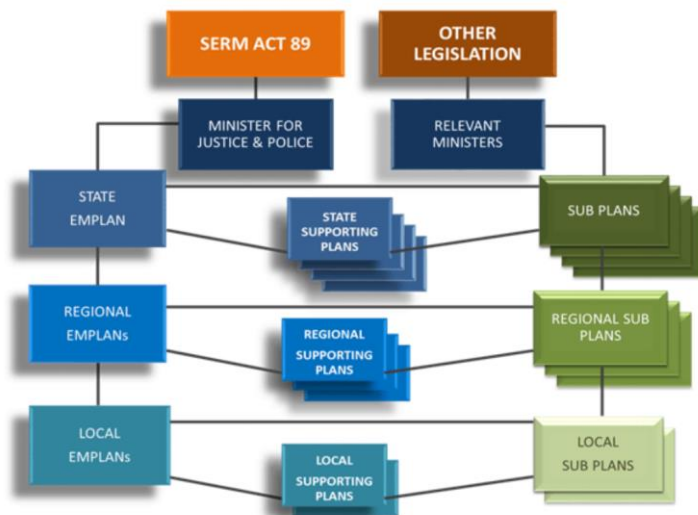
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**Emergency Management Plans** are the main plans which outline the overarching management arrangements and documents the agreed roles and functions of various agencies. These are prepared at the State, Regional and Local Level. The State Emergency Management Plan identifies for each form of emergency, which combat agency is primarily responsible for controlling the response to the emergency. The combat agencies for different emergencies under the plan are set out in the following table.

Emergency	Responsible Agency
Animal, Plant Disease, Rodent or Insect Plague	Department of Primary Industries
Fire (within rural fire district)	NSW Rural Fire Service
Fire (within a fire district)	Fire & Rescue New South Wales
Food industry	NSW Food Authority
Flood	NSW State Emergency Service
Hazardous material <ul style="list-style-type: none"> <li>on land</li> </ul>	<ul style="list-style-type: none"> <li>Fire &amp; Rescue New South Wales</li> </ul>

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<ul style="list-style-type: none"> <li>inland waters</li> <li>state waters</li> </ul>	<ul style="list-style-type: none"> <li>Fire &amp; Rescue New South Wales</li> <li>Relevant Port Authority</li> </ul>
Law enforcement during a declaration	NSW police force
Major structure collapse	Fire & Rescue New South Wales
Marine oil & chemical spills	Roads and Maritime Authority or the Port Authority of NSW
Pandemic	NSW Health
Search and rescue	NSW Police Force
Storm and tempest	NSW State Emergency Service
Terrorist act	NSW Police Force
Tsunami	NSW State Emergency Service

**Supporting plans** outline the arrangements by which the Functional Area will coordinate the support services allocated in the Emergency Management Plans.

**Sub plans** are prepared to address specific hazards or events where the required detail is different to or greater than that included in Emergency Management Plans.

## State of emergency

Under the State Emergency and Rescue Management Act 1989, if the Premier is satisfied that an emergency constitutes a significant and widespread danger to life or property in New South Wales, the Premier may declare that a state of emergency exists in the whole or parts of New South Wales. An order

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declaring a state of emergency has effect immediately.

In a state of emergency, the Minister is responsible for controlling and co-ordinating the activities of government agencies, and the allocation of available Government resources as the Minister deems necessary or desirable.

For that purpose, the Minister may:

- direct any government agency to do, or refrain from doing any act or function
- evacuate or to take other steps concerning persons
- take other safety measures to protect persons or animals from injury or death or to protect property
- to enter premises
- to take possession of property for the purposes of responding to the emergency

## Other key bodies

### **Department of Communities and Justice, Resilience NSW**

The Department of Communities and Justice, Resilience NSW is responsible for the development and coordination of law enforcement and emergency management policy and advice to the Minister for Police and Emergency Services. The Ministry is also responsible for the coordination of recovery functions including disaster welfare services.

## Rescue Management

The State Emergency and Rescue Management Act 1989 also deals with rescue management in New South Wales.

### **State Rescue Board**

The State Emergency and Rescue Management Act 1989 provides for the establishment of the State Rescue Board of NSW with a structure and system for the management of rescue at local and regional level. The principal function of the State Rescue Board is to ensure the maintenance of efficient and effective rescue services throughout the State. The agency which manages or controls any accredited rescue unit Rescue Management is only relevant to the following categories and the 'accredited' rescue services as approved by the State Rescue Board;

- Road Crash Rescue
- Vertical Rescue
- Confined Space Rescue
- Marine Rescue
- Swift Water Rescue
- Closed Waters Rescue, and
- Surf Rescue

### **Regional and local rescue committees**

Rescue committees are to assist the State Rescue Board in the exercise of its functions within the region or local government area concerned. The rescue committee for a local government area is chaired by the Local

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Emergency Operations Controller for the area and comprises senior representatives of emergency services organisations operating in the area.

Councils support the Local Emergency Operations Controller with resources, people and equipment, however generally not the local rescue committee.

### In Emergencies

In the case of an emergency, Council is not an Emergency Service Provider. Under the legislative requirements of the [State Emergency Management Plan](#), Council's role is to support the lead Emergency Service Provider with resources, people and equipment to assist their emergency and recovery plans. If an emergency is deemed a natural disaster, applications for emergency works are expedited and funding is made available to impacted residents and Council for recovery works. In NSW, Emergency Service Providers include:

- Ambulance Service of NSW
- Fire and Rescue NSW
- a fire brigade within the meaning of the Fire and Rescue NSW Act 1989
- NSW Police Force
- NSW Rural Fire Service
- State Emergency Service
- Surf Life Saving New South Wales
- New South Wales Volunteer Rescue Association Inc

- Volunteer Marine Rescue NSW
- an agency that manages or controls an accredited rescue unit
- a non-government agency that is prescribed by the regulations for the purposes of this definition.

The State Emergency Management Plan sets out who the Emergency Service Provider is for different types of emergencies.

Emergency	Responsible Agency
Animal, Plant Disease, Rodent or Insect Plague	Department of Primary Industries
Fire (within rural fire district)	NSW Rural Fire Service
Fire (within a fire district)	Fire & Rescue New South Wales
Food industry	NSW Food Authority
Flood	NSW State Emergency Service
Hazardous material <ul style="list-style-type: none"> <li>• on land</li> <li>• inland waters</li> <li>• state waters</li> </ul>	<ul style="list-style-type: none"> <li>• Fire &amp; Rescue New South Wales</li> <li>• Fire &amp; Rescue New South Wales</li> <li>• Relevant Port Authority</li> </ul>
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Pandemic	NSW Health
Search and rescue	NSW Police Force
Storm and tempest	NSW State Emergency Service
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Source: Annexure 3 – Specific Control Responsibilities, NSW State Emergency Management Plan, December 2018.

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