

1991—No. 379

STATE EMERGENCY SERVICE ACT 1989—REGULATION

(State Emergency Service Regulation 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the State Emergency Service Act 1989, has been pleased to make the Regulation set forth hereunder.

TED PICKERING
Minister for Police and Emergency Services.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the State Emergency Service Regulation 1991.

Commencement

2. This Regulation commences on 1 August 1991.

Definitions

3. In this Regulation:

“**auxiliary**” means an auxiliary formed as referred to in clause 12;

“**controller**” means a division controller, a local controller or a unit controller;

“**Service**” means the State Emergency Service;

“**the Act**” means the State Emergency Service Act 1989.

PART 2—S.E.S CONTROL**Appointment of division controllers**

4. A division controller is to be appointed for such term (not exceeding 2 years) as is specified in his or her instrument of appointment, but is, at the end of the term, eligible for re-appointment.

Divisional headquarters

5. (1) The Service may make available such of its staff and facilities as the Director-General considers appropriate to establish headquarters for a division.

(2) A division controller, together with:

- (a) the staff of the Service attached to the headquarters for the division; and
- (b) any other staff (including voluntary staff) assisting in the staffing of the headquarters,

may be registered as an S.E.S. unit.

(3) The functions of an S.E.S. unit referred to in this clause are to co-ordinate and control the operations of other S.E.S. units within the relevant division.

Appointment of local controllers

6. A local controller is to be appointed for such term (not exceeding 2 years) as is specified in his or her instrument of appointment, but is, at the end of the term, eligible for re-appointment.

Control of units

7. (1) Except as provided by subclause (2), the Director-General may appoint a unit controller for an S.E.S. unit.

(2) If there is only 1 S.E.S. unit in any particular local government area, the local controller for that area is to be the unit controller for that unit.

(3) The Director-General may revoke an appointment under this clause at any time.

(4) A unit controller is to be appointed for such term (not exceeding 2 years) as is specified in his or her instrument of appointment, but is, at the end of the term, eligible for re-appointment.

(5) A unit controller is (subject to any direction of the Director-General, the relevant division controller or the relevant local controller) responsible for the control and co-ordination of the activities of the unit.

(6) A division controller must ensure that each unit controller within the relevant division is subject to review at least once a year and must report to the Director-General on the results of each such review.

Deputy controllers

8. (1) A division controller, a local controller or a unit controller may appoint a person as his or her deputy.

(2) A deputy may carry out the functions of the controller (by whom he or she was appointed) during the absence of that controller.

PART 3—OPERATIONAL MATTERS

State of readiness reports

9. (1) A unit controller must keep the relevant local controller regularly informed as to the state of readiness of the unit.

(2) A local controller must keep the relevant division controller regularly informed of the state of readiness of all units within the relevant local government area.

(3) A division controller must keep the Director-General regularly informed of the state of readiness of all units within the relevant division.

Notice of inability to respond to emergency

10. If a unit is asked to assist in connection with operations in response to an emergency to which Part 5 of the Act applies, but is unable to do so because:

- (a) an insufficient number of properly trained members of the unit is available; or
- (b) inadequate equipment is available,

the unit controller must notify the relevant local controller of that fact.

PART 4—ADMINISTRATION**Suspension and withdrawal of membership**

11. (1) The Director-General may suspend or withdraw a person's membership of an S.E.S. unit for such reason as the Director-General considers appropriate.

(2) A division controller may suspend or withdraw a person's membership of any S.E.S. unit in the relevant division for such reason as the controller considers appropriate.

(3) A local controller may suspend or withdraw a person's membership of any S.E.S. unit in the relevant local government area for such reason as the controller considers appropriate.

(4) A person's membership of an S.E.S. unit may not be suspended or withdrawn unless:

- (a)** the person has been informed of the reasons for the proposed action; and
- (b)** the person has been given such notice as is reasonable in the circumstances to show cause why the proposed action should not be taken; and
- (c)** due consideration has been given to my representations made by the person.

(5) If a person's membership of an S.E.S. unit is suspended or withdrawn by a division controller or a local controller, notice of that fact must be given to the Director-General within 7 days after that action is taken.

(6) A person whose membership of an S.E.S. unit has been suspended or withdrawn by a division controller or a local controller may appeal to the Director-General. against that action.

(7) The Director-General may confirm or over-rule the decision of a division controller or local controller in relation to the suspension or withdrawal of membership.

Auxiliaries

12. (1) The Director-General may approve the formation of auxiliaries for the purpose of providing financial or material support for one or more S.E.S. units within the State.

(2) A division controller may approve the formation of auxiliaries for the purpose of providing financial or material support for one or more S.E.S. units within the relevant division.

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(3) A local controller may approve the formation of auxiliaries for the purpose of providing financial or material support for one or more S.E.S. units within the relevant local government area.

(4) An auxiliary is to be governed by a constitution that is approved by the Director-General.

Donations of financial or material support

13. (1) A unit controller must cause written records to be kept of any donations of financial or material support provided for an S.E.S. unit under his or her control and must cause a copy of any record so made to be furnished to the Director-General.

(2) Such a copy is to be furnished to the Director-General each year in July and at such other times as the Director-General requires.

(3) Money provided for an S.E.S. unit may be spent by the unit controller for proper purposes relating to the operation, administration and welfare of the S.E.S. unit.

(4) The unit controller must ensure that proper written records are kept of all such expenditure and made available for audit.

(5) Nothing in this clause affects any trust under which any money provided for an S.E.S. unit is held.

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EXPLANATORY NOTE

The object of this Regulation is to make provision for or with respect to matters that are necessary or convenient for the operation of the State Emergency Service Act 1989. Aside from preliminary matters (Part 1), the Regulation deals with matters relating to the structure of S.E.S. control (Part 2), operational matters (Part 3) and administration (Part 4).
