

LEGISLATIVE ASSEMBLY

Read 1° 22 November 1983

(Brought in by Mr Mathews and Mr Fordham)

A BILL

To make Provision with respect to the Co-ordination of the functions of all Government Agencies and Officers in relation to the Combating of Disasters, to amend the *Country Fire Authority Act 1958*, the *Metropolitan Fire Brigades Act 1958* and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. This Act may be cited as the *State Disasters Act 1983*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act— Interpretation.
 - 10 "Co-ordinator in Chief" means the Minister for the time being responsible for the administration of the Act. "Co-ordinator in Chief."
 - 15 "Government agency" means any body corporate or unincorporate constituted or established by or under an Act for a public purpose and any member of such a body and any person in the service of the Crown in right of the State "Government agency."

of Victoria upon whom any function power duty or responsibility is conferred by or under any Act.

Power to Premier to declare state of disaster.

4. (1) Where in the opinion of the Premier of Victoria there exist circumstances whether in or outside Victoria which constitute or are likely to constitute a significant and widespread danger to life or property in Victoria the Premier may declare a state of disaster to exist in the whole or in any part or parts of Victoria and at any time may revoke or vary any such declaration. 5

(2) A state of disaster shall exist immediately upon the making of a declaration by the Premier under sub-section (1). 10

(3) As soon as practicable after the making revocation or variation of a declaration under sub-section (1) the Premier shall cause notice of the making revocation or variation of the declaration under sub-section (1) to be broadcast from a broadcasting station in Victoria and to be published in the *Government Gazette*. 15

(4) Production of a *Government Gazette* purporting to contain a copy of a declaration under sub-section (1) shall be *prima facie* evidence of the declaration and its making.

Power and duties of Co-ordinator in Chief.

5. (1) Where a state of disaster has been declared under section 4 the Co-ordinator in Chief shall be responsible for the implementation and control of all measures and the allocation of all resources of the Government and of government agencies which in his opinion are necessary or desirable to combat the disaster. 20

(2) The Co-ordinator in Chief may direct any government agency to do or refrain from doing any act or to exercise or perform or to refrain from exercising and performing any power function or duty that in his opinion is necessary or desirable to combat the disaster. 25

(3) Every government agency to which or to whom any direction is directed under this Act shall comply with such direction.

(4) Such a direction may be directed to government agencies generally or particularly, in writing or verbally, by publication or advertisement or by any other means or in any other manner which appear or appears to the Co-ordinator in Chief to be practicable appropriate or expedient in the circumstances. 30

(5) Any such direction shall have full force and effect notwithstanding anything to the contrary in any Act or law. 35

Delegations.

6. (1) The Co-ordinator in Chief may in relation to any matter or class of matters or in relation to the whole or any part of Victoria by writing under his hand delegate all or any of his powers and functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters or the whole or part of Victoria specified in the instrument of delegation. 40

(2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Co-ordinator in Chief.

5 7. The Co-ordinator in Chief may take such steps as he thinks fit to co-ordinate the welfare relief measures during and after a state of disaster and in particular may convene and preside at conferences between bodies and persons providing welfare relief in Victoria.

Power to Co-ordinator in Chief to co-ordinate activities of welfare agencies.

8. Notwithstanding anything to the contrary in any other Act or law the Co-ordinator in Chief shall be responsible for—

Additional responsibilities of Co-ordinator in Chief.

10 (a) developing counter-disaster planning for the whole, and the various parts, of Victoria including measures to co-ordinate the activities of all relevant government agencies;

15 (b) the implementation and co-ordination of the preparations undertaken by all government agencies in respect of fire prevention and counter-disaster measures; and

(c) the formulation of policy in respect of the provision of welfare relief measures during and after a state of disaster.

9. (1) The *Country Fire Authority Act 1958* is hereby amended as follows:

Amendment of No. 6228 ss. 30, 31, 33.

20 (a) In section 30 (g) after the word "threatened" there shall be inserted the words "or likely to be threatened"; and

(b) In section 31—

25 (i) in sub-section (3) (b) after the word "threatened" there shall be inserted the words "or likely to be threatened"; and

(ii) sub-section (4) shall be repealed.

(2) For section 33 (1) (e) of the *Metropolitan Fire Brigades Act 1958* there shall be substituted the following paragraph:

Amendment of No. s. 33 (1) (e).

30 "(e) may order to withdraw and (in the event of a failure or refusal to withdraw) remove or direct any member of any fire brigade or any member of the police force to remove any persons who interfere by their presence or otherwise with the operations of any brigade or who are in or on any land building or premises then burning or threatened or

35 likely to be threatened by fire;".

