

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

**STATE DISASTER (STATE DISASTER COMMITTEE) AMENDMENT
ACT 2001**

No. 6 of 2001

[Assented to 5 April 2001]

An Act to amend the State Disaster Act 1980.

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 6—State Disaster Committee
4. Amendment of s. 7—Proceedings of Committee
5. Amendment of s. 8—Functions of Committee
6. Repeal of ss. 8A and 8B
7. Amendment of s. 22—Offences by bodies corporate
8. Further Amendments

SCHEDULE

Further Amendments of Principal Act

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *State Disaster (State Disaster Committee) Amendment Act 2001*.

(2) The *State Disaster Act 1980* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 6—State Disaster Committee

3. Section 6 of the principal Act is amended—

(a) by inserting after paragraph (a) of subsection (2) the following paragraph:

(ab) the Chief Executive of the Emergency Services Administrative Unit;;

(b) by striking out from subsection (2)(b) "nine" and substituting "not less than nine but not more than twelve";

(c) by striking out from subsection (2)(b)(i) "three" and substituting "not less than three but not more than six";

(d) by striking out from subsection (2)(b)(ii) "Director of the State Emergency Service" and substituting "Director of State Emergency Service South Australia";

(e) by inserting in subsection (4) ",on the nomination of the Minister," after "may appoint";

(f) by inserting in subsection (5) "he" after "of whom";

(g) by inserting after subsection (5) the following subsections:

(6) The Governor may remove an appointed member of the Committee from office if the member fails or is unable to carry out the duties of his or her office satisfactorily.

(7) The office of an appointed member of the Committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice to the Minister; or

(d) is removed from office under subsection (6).

Amendment of s. 7—Proceedings of Committee

4. Section 7 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A quorum of the Committee consists of one half the total number of its members (ignoring any fraction resulting from the division) plus one.

Amendment of s. 8—Functions of Committee

5. Section 8 of the principal Act is amended—

(a) by inserting after paragraph (f) of subsection (1) the following paragraph:

(g) oversee and evaluate recovery operations during and following a declared state of disaster or emergency.;

(b) by inserting after subsection (1) the following subsection:

(1a) Without limiting subsection (1), the Committee must—

(a) consult with the Local Government Association of South Australia in the process of reviewing and amending the State Disaster Plan; and

(b) keep the Local Government Association of South Australia informed of what would be expected of local government in the event of a disaster or major emergency.;

(c) by inserting after subsection (2) the following subsections:

(3) For the purposes, or in the course, of performing its functions, the Committee may establish such sub-committees as it thinks fit (which may, but need not consist of, or include, members of the Committee) to advise the Committee on any aspects of its functions or to assist with any matters relevant to the performance of its functions.

(4) The Committee may delegate any function or power of the Committee to a sub-committee.

(5) A delegation under subsection (4)—

(a) may be made subject to such conditions and limitations as the Committee thinks fit;

(b) is revocable at will; and

(c) does not prevent the Committee from acting itself in any matter.

(6) The Committee must, as it thinks fit, prepare and publish guidelines to assist persons, bodies and sub-committees to understand, perform and fulfil their functions and responsibilities under this Act and under the State Disaster Plan.

Repeal of ss. 8A and 8B

6. Sections 8A and 8B of the principal Act are repealed.

Amendment of s. 22—Offences by bodies corporate

7. Section 22 of the principal Act is amended by striking out "is prescribed for the principal offence" and substituting "may be imposed for the principal offence when committed by a natural person".

Further Amendments

8. The principal Act is further amended in the manner indicated in the Schedule.

SCHEDULE
Further Amendments of Principal Act

| Provision Amended | How Amended |
|-------------------|---|
| Section 11(4) | Strike out the penalty provision and substitute the following: Maximum penalty: \$1 250. |
| Section 16(1) | Strike out the penalty provision and substitute the following: Maximum penalty: If the offender is a body corporate—\$50 000. If the offender is a natural person—\$10 000. |
| Section 16(2) | Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000. |
| Section 16(3) | Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000. |
| Section 16(4) | Strike out the penalty provision and substitute the following: Maximum penalty: \$5 000. |
| Section 24(2)(c) | Strike out "Division 6 fine" and substitute "fine of five thousand dollars". |