

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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GOVERNOR'S INSTRUMENTS

DIRECTIONS

Department of the Premier and Cabinet
Adelaide, 7 January 2020

His Excellency the Governor in Executive Council has been pleased to issue directions to the State Emergency Relief Fund Committee to administer the fund as set out below, pursuant to Section 37(4) of the Emergency Management Act 2004.

GOVERNOR'S DIRECTIONS TO THE MEMBERS OF THE COMMITTEE APPOINTED TO ADMINISTER THE STATE EMERGENCY RELIEF FUND

Governor's Directions in Relation to the Emergency Arising From Bushfires Occurring Between 19 December 2019 to 30 April 2020 ('SA Bushfires 2019/2020') – Cudlee Creek and Kangaroo Island Fires

The State Emergency Relief Fund (the Fund) provides a publicly accountable mechanism for the receipt and disbursement of donated funds following a declared emergency or proclaimed situation. The Fund is an administered item of the Department for Human Services (the department). Monies provided to persons and/or organisations are gifts from the community in recognition of injury, loss or damage arising from the emergency, not a form of compensation. The department provides administrative and policy support to the Fund.

The committee to administer the State Emergency Relief Fund is appointed by the Minister under section 37(3) of the *Emergency Management Act 2004* (the Act) and is subject to broad directions by the Governor.

In these directions, the Bushfires occurring between 19 December 2019 to 30 April 2020 (inclusive), hereto referenced as 'SA Bushfires 2019/2020' is a proclaimed situation in accordance with section 37(2) of the Act. These directions relate only to the Cudlee Creek and Kangaroo Island Fires during this proclaimed period unless otherwise varied by the Governor.

These directions supersede the Governor's Directions in relation to the Emergency Arising from the Cudlee Creek Fire issued on 23 December 2019.

In these directions, 'family' means a parent, spouse or domestic partner and children of a person killed or injured in SA Bushfires 2019/2020; and, 'injury' will include both physical and psychological injury.

Ongoing members of the SERF Committee are appointed for a term of three years. Other members (particular members) are appointed for a period of six months to provide knowledge and judgment in relation to administration of the fund in response to a particular emergency.

One of the ongoing members of the committee is also appointed as Fund Administrator (the administrator) and will chair meetings of the committee unless a direction given by the Governor in relation to a particular emergency otherwise provides.

A direction given by the Governor may nominate a particular member of the committee to chair its meetings in so far as those meetings relate to the distribution of funds for a particular emergency and matters incidental thereto. If such a direction is not given, relevant or applicable, then the person appointed as the administrator will chair meetings of the committee.

A quorum of the committee will consist of the chairperson and three members of the committee. A further direction may provide that only members appointed to participate in the administration of the fund in relation to a particular emergency will be counted in forming the quorum for a meeting relating to that emergency (ongoing and particular members).

Where possible the committee should reach decisions by consensus. However, if a vote is required, and the results are tied, the chairperson will have a deliberative and casting vote. Particular members may only vote on issues relating to the administration and distribution of the funds in respect of the emergency to which their appointment relates.

Members of the committee are obliged to maintain confidentiality in relation to the deliberations of the committee and in relation to personal information that may be made available to the committee by or about potential recipients of fund monies.

Any member who believes they may have a conflict of interest in relation to their duties as a committee member must declare that interest.

Pursuant to the Act, and these directions, the committee is responsible for the appropriate disbursement of the monies in the Fund for the relief of persons who suffer injury, loss or damage as a result of a declared emergency or proclaimed situation, or otherwise, to assist communities adversely affected by the impact of a declared emergency or proclaimed situation.

Upon a request from the Premier or Minister, the committee may coordinate a public appeal for donations for the SA Bushfires 2019/2020 subject to the *Collections for Charitable Purposes Act 1939* (Section 6) Licence issued to the Fund.

The committee may adopt any fair and reasonable assessment scheme for disbursement of monies, whether of its own design or that which has been developed wholly or in part by any government or non-government agency.

The committee may consult with individuals, organisations or groups, government and non-government agencies, as appropriate, on the impacts of the emergency and the resulting needs of the persons and communities affected.

The committee will be responsible for ensuring:

- Monies received by the fund are disbursed equitably and fairly for the relief of persons who suffer injury, loss or damage as a result of the SA Bushfires 2019/2020 at Cudlee Creek and Kangaroo Island. Monies may be paid directly to such persons or otherwise to assist the communities that are adversely affected;
- Monies donated by the South Australian Government to the Cudlee Creek Fire (namely \$1,000,000) are to be quarantined for those affected by that event;
- Monies donated by the South Australian Government to the Kangaroo Island Fire (namely \$1,000,000) are to be quarantined for those affected by that event;
- Monies donated by the community up to midnight 5 January 2020 to the South Australia Cudlee Creek Fire Appeal (namely \$601,719) are to be quarantined for those affected by the Cudlee Creek fire;
- Monies donated by the community from 6 January 2020 are to be directed towards those affected by the Kangaroo Island fires until parity is achieved with initial Cudlee Creek Fire Appeal (namely \$601,719);
- After parity has been achieved, monies collected from community donations are to be distributed to those affected by either event in accordance with assessment criteria determined by the committee in line with these directions;
- Initial funds are disbursed to those impacted as immediately as possible;
- Administrative processes developed for the management and disbursement of the monies are transparent and meet all appropriate legal, probity and procedural requirements;

- Appropriate information is provided to affected parties and to the community regarding the availability of relief, eligibility and funds disbursement processes, and any other matters that the committee determines should be communicated in order to assist the proper administration of the fund;
- The Committee will provide regular reports to the Minister in a form and frequency to be agreed between the Minister and the Chair of the committee as soon as practicable.
- A written report is provided to the Minister when the committee is satisfied that it has appropriately disbursed the available monies in relation to the SA Bushfires 2019/2020. The written report should include an audit of all monies disbursed, an evaluation of the effectiveness of the fund in meeting identified need and recommendations on any issues, which should be addressed to streamline processes and policy for future use of the fund following an emergency;
- That monies are allocated in an equitable, fair and culturally appropriate manner, and may take into account the following principles:
 - priority is given to those most affected by the event as assessed by criteria established by the committee;
 - priority is given in the allocation of monies to persons whose primary place of residence at the time of the SA Bushfires 2019/2020 was within the areas as defined and approved by the relevant authority, i.e. Chief Officer of the SA Country Fire Service;
 - available monies can be used to provide relief over the short-term and/or long-term for persons who have suffered injury, loss or damage as determined by the committee as a result of the SA Bushfires 2019/2020 within council areas impacted by the Cudlee Creek and Kangaroo Island Fires;
 - defined circumstances for recipients affected by the emergency whose primary residence is outside the affected area may also be considered where the recipient has directly suffered injury, loss or damage from the emergency (provided that they meet assessment criteria to be determined by the committee);
 - community rebuilding and encouragement of individual resilience to deal with the consequences of the emergency may also be considered by the committee;
 - monies may be made available to corporate bodies, such as, small businesses that have suffered injury, loss or damage, if other sources of assistance are exhausted, and to community organisations where there has been a direct loss or damage to community facilities from the emergency or where a facility, or community program or service is proposed to be offered for the purpose of the relief of affected persons;
 - monies provided may complement or recognise other forms of assistance received by those affected by the emergency, including any insurance payments, government grants, other gifts from public donations or other sources of known tangible support;
 - monies may be provided irrespective of the insurance status of the recipient;
 - where the committee is of the opinion that a person who suffered injury, loss or damage as a result of the emergency has been overcompensated for that injury, loss or damage by reason of being paid money from the fund and damages for compensation from another source, the committee may, by notice in writing given personally or by post to the person, require the person to pay the fund the amount of the overcompensation as determined by the committee and specified in the notice; and
 - there will be a maximum and minimum amount that any recipient can receive from the fund, which will be determined by the committee from time to time.

By command,

STEVEN SPENCE MARSHALL
Premier

PROCLAMATIONS

South Australia

Emergency Management (Proclaimed Situation) Variation Proclamation 2020

under section 37 of the *Emergency Management Act 2004*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Emergency Management (Proclaimed Situation) Variation Proclamation 2020*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Variation provisions

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

Part 2—Variation of *Emergency Management (Proclaimed Situation—Cudlee Creek Fire) Proclamation 2019*

4—Variation of clause 1—Short title

Clause 1—delete "Cudlee Creek Fire" and substitute:

SA Bushfires 2019/2020

5—Variation of clause 3—Proclaimed situation

Clause 3—delete "The bushfire commonly known as the Cudlee Creek Fire is" and substitute:

Bushfires occurring in South Australia between 19 December 2019 and 30 April 2020 will constitute

Made by the Governor

with the advice and consent of the Executive Council
on 7 January 2020

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