

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

Review of the Operation of the *National Emergency Declaration Act 2020*

THURSDAY, 10 JUNE 2021

New South Wales

Responses to Questions on Notice

Question 1 (page 12 of transcript)

Senator KIM CARR: Deputy Commissioner, can you advise the committee of the level of consultation by the Commonwealth government with the New South Wales government regarding the formation of this legislation?

Mr Worboys: It's my understanding that there has been ongoing consultation with the New South Wales government, but I wouldn't be the best person to make a comment on that. What I know is that in my position I often get correspondence from government to make comment around emergency management, which I do every time.

Senator KIM CARR: You're not a policy officer. I apologise; I don't mean to put you in that position. The advice that we've got is that the consultation occurred after and not before the legislation was actually written. Are you able to give me any advice on that score?

Mr Worboys: No, I'm not. I would take—

Question 2 (page 12 of transcript)

Senator KIM CARR: Do you believe that the government of New South Wales would share the concerns expressed by the Queensland government that—I quote from the letter from the Premier's office—the Queensland government 'shares concerns expressed by other states and territory governments that the act goes beyond the scope of the recommendations made by the Royal Commission into National Natural Disaster Arrangements in not limiting the powers to natural disasters and not defining an emergency'? Would you agree with that proposition?

Mr Worboys: From my perspective, without wanting to sound obstructive, I'm very much about operationalising what—

Senator KIM CARR: Would you like to take that on notice and ask your minister whether he could respond to that proposition, please?

Mr Worboys: Certainly, I will.

Question 3 (page 12 of transcript)

Senator KIM CARR: Thank you. That might be an easier way to go. Also, we'd be seeking further advice from the New South Wales government as to what would be the nature of any definitions that the New South Wales government would be seeking, in terms of amendments to this act defining 'emergency', 'Commonwealth interest', 'nationally significant harm' and the administrative framework. Could we get some advice from the minister as to what changes they'd like to see in the act that go to those specific matters, please?

Mr Worboys: Yes, I'll take that on notice.

ANSWER:

I have referred these questions (Questions 1-3) to the Minister for Police and Emergency Services for his consideration.

Question 4 (page 13 of transcript)

Senator KIM CARR: Is the protection of flora and fauna incorporated into the New South Wales state emergency response framework?

Mr Worboys: I'd have to take that on notice.

ANSWER:

Yes.

The NSW emergency management arrangements are supported by the *State Emergency and Rescue Management Act 1989 (NSW)*, which expressly provides for threats or danger to the environment or animals to be included in the definition of an 'emergency'.