10. AUTHORISED DIRECTIVE FOR URGENT EVACUATION

10.1 BACKGROUND

The Chief Executive Officer, Resthaven is authorised to issue a directive to evacuate a Resthaven site. Under South Australian Legislation, in specific circumstances, persons are authorised to issue a directive that a site be evacuated, including officers of SA Police, SA State Emergency Service (SASES), SA Metropolitan Fire Service (SAMFS) and the SA Country Fire Service (SACFS).

Evacuation is more likely to be initiated at the direction of the CEO, Resthaven, however, legislative authority exists for authorised persons external to Resthaven to direct that a site be evacuated.

Resthaven staff and volunteers will implement the site emergency evacuation procedure when directed by an authorised person i.e.

- The Chief Executive Officer, Resthaven or delegate
- The State Controller (Commissioner of Police or delegate) or Authorised Officer when the emergency incident is a declared emergency under the Emergency Management Act 2004
- The SACFS/SASES/SAMFS Officer performing the role of Incident Controller

10.2 Definition of Terms

*Authorised Officer*: Police Officer or Authorised Officer appointed under Section 17 of the SA Emergency Management Act

*emergency* means an event (whether occurring in the State, outside the State or in and outside the State) that causes, or threatens to cause—

(a) the death of, or injury or other damage to the health of, any person; or
(b) the destruction of, or damage to, any property; or
(c) a disruption to essential services or to services usually enjoyed by the community; or
(d) harm to the environment, or to flora or fauna.
Note—
This is not limited to naturally occurring events (such as earthquakes, floods or storms) but would, for example, include fires, explosions, accidents, epidemics, pandemics, emissions of poisons, radiation or other hazardous agents, hijacks, sieges, riots, acts of terrorism and hostilities directed by an enemy against Australia.

**Incident Controller**: the person exercising control at the scene of the fire or other or emergency (i.e., Officer of the SA Police, SACFS, SAMFS, SASES).

**State Co-ordinator**: South Australian Commissioner of Police

10.3 **Scope**
All Resthaven Staff.

10.4 **Legislative Framework**

10.4.1 **Emergency Management (EM) Act**

The EM Act at Sec 14 appoints the Commissioner of Police as State Co-ordinator, with the following functions:

(a) to manage and co-ordinate response and recovery operations in accordance with this Act and the State Emergency Management Plan;

(b) if an identified major incident, a major emergency or a disaster is declared under this Act—to ensure SEMC (State Emergency Management Committee) is provided with adequate information in order to fulfill its monitoring functions under this Act;

(c) to carry out other functions assigned to the State Co-ordinator under this Act.

If the State Co-ordinator exercises the function of declaring an incident a major incident under the EM Act, the State Controller and Authorised Officers must under Sec 25 of the Act “take any necessary action to implement the State Emergency Management Plan and cause such response and recovery operations to be carried out as he or she thinks appropriate.”

The powers (detailed at Appendix 1) are wide ranging and include:

(e) removing to such place as the State Co-ordinator sees fit, or directing the evacuation or removal of any person.
The State Co-Ordinator is supported by a number of Functional Services, including Transport, which is tasked as follows:

To coordinate the provision of transport support as required by other functional services, whilst maintaining as far as practicable, the normal operations/activities of public and commercial transport services. Tasks for providing transport to other Functional Services might include:

1. Movement of emergency equipment and personnel.
2. Movement of emergency supplies and goods including water, fuel and food.
3. Evacuation of people.
4. Assistance for medical transport.
5. Movement of earth-fill and debris.
6. Public transportation infrastructure, ie. roads and bridges.

In any evacuation event, assistance of the Transport Functional service should be sought.

10.4.2 Fire and Emergency Services (FES) Act 2005

When an emergency has arisen or is imminent, the SACFS, SAMFS, SASES may assume control (and all members of the control agency, and all other persons present at the scene, will be subject to his or her control).

The powers available to the incident controller are the same as those available to the State Controller/Authorised Officers for declared emergency incidents under the EM Act, including the capacity to remove, or cause to be removed, to such place as the officer or other person thinks fit, any person or animal, or direct the evacuation or removal of any person or animal.

10.5 Procedure

10.5.1 Direction to evacuate

10.5.1.1 Authorised Evacuation under the EM Act
When a direction to evacuate is received from the State Coordinator, or Authorised Officer under the EM Act, the Resthaven Site Manager/Executive will confirm that the incident is a declared emergency under Section 22, 23 or 24 of the EM Act and that the direction is being issued with the appropriate authority as follows:

(a) in the case of an authorised officer who is a police officer and is not in uniform—his or her certificate of authority; or

(b) in the case of an authorised officer who is not a police officer—his or her identity card.

The evacuating site must implement its evacuation plan. The transport functional service may provide assistance with transport planning at the request of the Incident Controller. Their assistance may include procuring transport services, consistent with the site evacuation plan.

10.5.1.2 Authorised evacuation under the FES Act

The SAMFS, SACFS and SASES incident controller at the scene of the fire or other emergency is authorised to direct the evacuation of the site. It is highly likely that an emergency event, which poses such risk that evacuation is directed, will be under the management of the State Emergency Centre, with all functional services in operation.

The evacuating site must implement its evacuation plan. The transport functional service may provide assistance with transport planning at the request of the Incident Controller. Their assistance may include procuring transport services, consistent with the site evacuation plan.

10.5.2 Evacuation

The evacuation will be conducted in accordance with the local site evacuation plan.
10.6 References

All staff that have leadership responsibilities in relation to emergency events (fire, flood, chemical, biological, radiological) should ensure that they are familiar with the following references:

- Resthaven Evacuation Plans and Procedures
- South Australian Emergency Management Act 2004
- South Australian Fire and Emergency Services Act 2005
- South Australian State Emergency Management Plan

10.7 Review Process

The review of this policy is the responsibility of the Executive Manager, Property & Corporate Services. Review will involve consultation with the Executive team and Program Managers.

First Implemented Aug 2011 Issue Number 1
Current Review Date Feb 2012 Next Review Date Aug 2012

Executive Manager, Corporate Services

10.8 Appendices

1. Powers available to Authorised Officers and Incident Controller under South Australian Legislation
APPENDIX 1

Powers available to Authorised Officers and Incident Controller under South Australian Legislation

(a) enter and, if necessary, break into any land, building, structure or vehicle (using such force as is necessary);

(b) take possession of, protect or assume control over any land, body of water, building, structure, vehicle or other thing;

(ba) remove or destroy, or order the removal or destruction of, any building, structure, vehicle, vegetation, animal or other thing;

(bb) carry out, or cause to be carried out, excavation or other earthworks;

(c) construct, or cause to be constructed, barriers, buildings or other structures;

(ca) subject a place or thing to a decontamination procedure;

(d) direct the owner of, or the person for the time being in charge of, any real or personal property to place it under the control or at the disposition of a specified person;

(e) remove, or cause to be removed, to such place as the State Co-ordinator or authorised officer thinks fit, any person or animal, or direct the evacuation or removal of any person or animal;

(f) direct or prohibit the movement of persons, animals or vehicles;

(fa) direct a person to submit to a decontamination procedure;

(fb) direct a person to remain isolated or segregated from other persons or to take other measures to prevent the transmission of a disease or condition to other persons;

(fc) direct a person to undergo medical observation, examination (including diagnostic procedures) or treatment (including preventative treatment);

(g) remove flammable material or any other hazardous material or cause flammable material or any other hazardous material to be removed from any place, building or structure;

(h) cause any supply of fuel or other flammable liquid, any gas or electricity or any other hazardous material to be connected, reconnected, disconnected or shut off;

(i) direct a person who is in a position to do so—

   (i) to stop any work or operation; or

   (ii) to close any premises or other place; or
(iii) to contain the escape of any hazardous material, or to nullify the effects of the escape of any hazardous material; or
(iv) to shut off or remove any plant, equipment, apparatus or device or to perform any operation in relation to any plant, equipment, apparatus or device;

(j) shut off, or cut off, the supply of water or any drainage facility;
(k) make use of the gratuitous services of any person;

(ka) require a person to furnish such information as may be reasonably required in the circumstances (other than information that may be required to be furnished under section 6 of the Essential Services Act 1981);

(l) remove to such place as he or she thinks fit any person who obstructs or threatens to obstruct response or recovery operations;

(m) direct, insofar as may be reasonably necessary in the circumstances, any person (other than a control agency or other person referred to in paragraph (n)) to assist in the exercise of any power under this section;

(n) in the case of a major emergency or disaster—give directions to any control agency or person whose responsibilities require him or her to engage in response or recovery operations, or who is so engaged;

(o) exercise any prescribed power.

(3) In addition, if, after considering the advice of the Chief Medical Officer, the State Co-ordinator is of the opinion that the scope of an emergency is of such a magnitude that demand for medical goods or services cannot be met without contravening the laws of the State, the State Co-ordinator may, despite those laws, authorise authorised officers, or authorised officers of a particular class, to provide, or direct the provision of, such goods or services or a particular class of such goods or services on such conditions as the State Co-ordinator thinks appropriate.

26—Supply of gas or electricity

send a competent person to connect, reconnect, disconnect or shut off the supply of gas or electricity to the premises or other place, or to any adjacent premises or place (and the person so attending must then comply with any direction that may be given in the exercise of powers under this Division).