



Australian Capital Territory

Emergencies Amendment Act 2014

A2014-50

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Australian Capital Territory

Emergencies Amendment Act 2014

A2014-50

An Act to amend the *Emergencies Act 2004*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Emergencies Amendment Act 2014*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Emergencies Act 2004*.

Note This Act also amends the *Magistrates Court (Litter Infringement Notices) Regulation 2004* (see s 24).

**4 Objects of Act
Section 3 (d)**

after

volunteer members

insert

, and providers of operational and administrative support to the commissioner and the services

**5 Commissioner's functions
Section 8 (1) and notes**

substitute

- (1) The commissioner is responsible for the overall strategic direction and management of the emergency services and operational and administrative support to the services.

Examples—operational and administrative support

- spatial services
- logistics and fleet management
- public information
- communication centre
- risk management and planning
- training

Note 1 A chief officer of an emergency service is responsible for the general management and control of the service (see s 28 (3) (a), s 29 (3) (a), s 30 (3) (a) and s 31 (3) (a)).

Note 2 For the effective coordination of the emergency, the commissioner may direct a chief officer to undertake response or recovery operations (see s 8A).

Note 3 An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

6 Section 8 (4) (e)

substitute

- (e) recognise the importance to the services and the community of—
- (i) all emergency service members, including volunteer members; and
 - (ii) providers of operational and administrative support to the commissioner and the services; and

7 Section 8 (4) (j), except examples and note

substitute

- (j) oversee and coordinate strategic and operational planning for emergencies.

8 Section 8 (4) (j), note

omit

**9 Directions by commissioner in relation to emergencies
Section 8A (2) and (3)**

substitute

- (2) For the effective coordination of the emergency, the commissioner may direct a chief officer to undertake response or recovery operations.
- (3) In this section:
- coordination*** of an emergency means the bringing together of the emergency services and other agencies and resources to support the response to the emergency.

**10 General powers of chief officers
New section 34 (1) (la) and (lb)**

insert

- (la) close any premises; or
- Examples—premises**
- government or independent schools
 - child care centres

- business premises
- health care facilities
- residential homes

Note An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (1b) require a person to give information, answer questions, or produce documents or anything else, reasonably needed; or

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

11 Strategic bushfire management plan Section 72 (2)

substitute

- (2) In preparing the draft plan, the commissioner must—
- (a) consult with the bushfire council; and
 - (b) consult with the conservator; and
 - (c) consider the impact of the plan on any—
 - (i) land management agreement; or
 - (ii) land manager; or
 - (iii) plan of management under the [Planning and Development Act 2007](#), part 10.4 (Plans of management for public land).
- (2A) The commissioner must—
- (a) prepare a written report setting out the commissioner's response to any matters raised by the conservator, in writing, during consultation on the draft plan; and
 - (b) give the report to the Minister with the draft plan.

12 New section 72 (4A)

insert

- (4A) If the Minister received a report under subsection (2A) (b) in relation to the plan, the report must be presented to the Legislative Assembly with the plan.

**13 Content of strategic bushfire management plan
Section 74 (2) (f)**

substitute

- (f) a statement about how information is kept about privately-owned assets of public interest vulnerable to bushfire;

14 Section 77 heading

substitute

77 Compliance with strategic bushfire management plan

15 Section 77 (3)

omit

16 New section 77A

insert

77A Inconsistency between strategic bushfire management plan and plan of management for public land

- (1) This section applies if the strategic bushfire management plan is inconsistent with a plan of management in force in relation to an area of unleased territory land or land occupied by the Territory.
- (2) The plan of management has no effect to the extent of the inconsistency.

(3) In this section:

plan of management means a plan of management under the [Planning and Development Act 2007](#), part 10.4 (Plans of management for public land).

**17 Bushfire operational plans
Section 78 (1) (b) (iii)**

omit

18 Section 78 (5)

substitute

- (5) The person must review the bushfire operational plan and give the commissioner a draft updated bushfire operational plan at intervals of not longer than—
- (a) for a person mentioned in subsection (1) (a)—2 years; or
 - (b) for a person mentioned in subsection (1) (b)—5 years.

**19 Emergency powers—no declared state of emergency
New section 150C (2) (ca)**

insert

- (ca) direct a person to give information, answer questions, or produce documents or anything else, reasonably needed; and

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

20 Section 150C (2) (g)

substitute

- (g) in relation to essential services—
- (i) maintain, restore or prevent disruption of the services;
and
 - (ii) control and coordinate the distribution of services; and

Examples—essential services

- water
- electricity
- gas
- fuel
- food
- health
- waste disposal
- sanitation
- freight
- public transport
- correctional facilities

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**21 Emergency powers—declared state of emergency
New section 160A (2) (ca)**

insert

- (ca) direct a person to give information, answer questions, or produce documents or anything else, reasonably needed; and

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

22 Section 160A (2) (g)

substitute

(g) in relation to essential services—

(i) maintain, restore or prevent disruption of the services;
and

(ii) control and coordinate the distribution of services; and

Examples—essential services

- water
- electricity
- gas
- fuel
- food
- health
- waste disposal
- sanitation
- freight
- public transport
- correctional facilities

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**23 Failure to comply with direction given under emergency powers
Section 164 (1)**

omit

or (c)

substitute

, (c) or (ca)

**24 Magistrates Court (Litter Infringement Notices)
Regulation 2004
Schedule 1, new item 1.1A**

insert

- | | | | |
|------|---|----|-----|
| 1.1A | <ul style="list-style-type: none">• if the litter is a cigarette, cigarette butt, match or other item that is lit or not fully extinguished | 10 | 300 |
|------|---|----|-----|

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 September 2014.

2 Notification

Notified under the [Legislation Act](#) on 10 November 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Emergencies Amendment Bill 2014, which was passed by the Legislative Assembly on 28 October 2014.

Clerk of the Legislative Assembly

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