

2016

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Police and Emergency Services)

## Emergencies Amendment Bill 2016

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2016

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(As presented)

(Minister for Police and Emergency Services)

## Emergencies Amendment Bill 2016

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### A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Emergencies Amendment Act 2016*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Emergencies Act 2004*.

9 *Note* This Act also amends other legislation (see sch 1).

10 **4 Commissioner's functions**  
11 **Section 8 (1) and (2)**

12 *substitute*

13 (1) The commissioner is responsible for—

14 (a) the overall strategic direction and management of the  
15 emergency services; and

16 (b) operational and administrative support to the services.

17 **Examples—operational and administrative support**

- 18 • spatial services  
19 • logistics and fleet management  
20 • public information  
21 • communication centre  
22 • risk management and planning



- 1                   • training

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

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

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

11                  (2) The commissioner is also responsible for—

12                   (a) community education and awareness about emergencies; and

13                   (b) improving community preparedness for emergencies; and

14                   (c) emergencies-related advice on planning and development  
15                   matters.

16                  **5                  Commissioner may make guidelines**  
17                  **New section 11 (4A)**

18                   *insert*

19                  (4A) The commissioner must consult the bushfire council before making  
20                  a guideline on the standards and protocols required for the  
21                  appointment of a volunteer member of the rural fire service to a  
22                  senior rank of the service.

23                  **6                  Section 11 (7), new definition of *senior rank***

24                   *insert*

25                   *senior rank*, for the rural fire service, means a senior rank under the  
26                   commissioner's guidelines for the service.

- 1 **7 Chief officer—ambulance service**  
2 **Section 28 (3) (c), except note**
- 3 *omit*
- 4 **8 Section 29 heading**
- 5 *substitute*
- 6 **29 Chief officer—fire and rescue service**
- 7 **9 Section 29 (3) (c)**
- 8 *substitute*
- 9 (c) operational planning for fire response in built-up areas,  
10 including fire preparedness and control; and
- 11 **10 Section 29 (3) (f), except note**
- 12 *omit*
- 13 **11 Chief officer—rural fire service**  
14 **Section 30 (1)**
- 15 *omit*
- 16 with the bushfire council and
- 17 **12 Section 30 (3) (c)**
- 18 *substitute*
- 19 (c) operational planning for fire response in rural areas, including  
20 fire preparedness and control; and

- 
- 1    **13        Section 30 (3) (e), except note**
- 2                    *omit*
- 3    **14        Chief officer—SES**
- 4                    **Section 31 (3) (c), except note**
- 5                    *omit*
- 6    **15        Deputy chief officers**
- 7                    **Section 32 (4)**
- 8                    *omit*
- 9    **16        Directions by chief officer to service members**
- 10                   **Section 35 (2) to (4)**
- 11                   *substitute*
- 12                   (2) A direction by the chief officer (ambulance service) may be about
- 13                   the following:
- 14                   (a) the provision of medical treatment (a *medical treatment*
- 15                   *direction*);
- 16                   (b) the scope of practice of an ambulance service member (a *scope*
- 17                   *of practice direction*).
- 18                   (3) A direction by a chief officer of an emergency service (other than a
- 19                   medical treatment direction or a scope of practice direction) must, if
- 20                   practicable, be in accordance with any direction of the
- 21                   commissioner and the commissioner’s guidelines.
- 22                   (4) A medical treatment direction and a scope of practice direction
- 23                   must, if practicable, be in accordance with medical treatment
- 24                   standards.

1 (5) In this section:

2 *scope of practice*, for an ambulance service member, means the  
3 manner in which an ambulance service member may practise as a  
4 member, including, for example, the aspects of practice that an  
5 ambulance service member may undertake.

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

9 **17 Functions of ambulance service**  
10 **Section 41 (2) (a), example**

11 *omit*  
12 fire and rescue members  
13 *substitute*  
14 fire and rescue service members

15 **18 Part 4.2 heading**

16 *substitute*

17 **Part 4.2 Fire and rescue service**

18 **19 Division 4.2.1**

19 *substitute*

20 **Division 4.2.1 Fire and rescue service**

21 **43 Establishment of fire and rescue service**

22 The ACT Fire and Rescue Service is established.

- 1     **44           Functions of fire and rescue service**
- 2           (1) The main function of the fire and rescue service is to protect and  
3           preserve life, property and the environment from fire in built-up  
4           areas.
- 5           (2) In exercising the function, the fire and rescue service is responsible  
6           for—
- 7               (a) operational planning for fire response in built-up areas,  
8               including fire preparedness; and
- 9               (b) fire response in built-up areas.
- 10          (3) The fire and rescue service has the following additional functions:
- 11               (a) to respond to and deal with hazardous material incidents;
- 12               (b) to respond to rescue incidents;
- 13               (c) to respond to chemical, biological and radiological incidents;
- 14               (d) to undertake assistance operations to support other entities in  
15               the exercise of their functions under this Act;
- 16               (e) any other function prescribed by regulation.
- 17           **Example—par (d)**
- 18           assisting police officers or ambulance service members in dealing with any  
19           incident or emergency
- 20           *Note*     An example is part of the Act, is not exhaustive and may extend, but  
21           does not limit, the meaning of the provision in which it appears (see  
22           [Legislation Act](#), s 126 and s 132).
- 23          (4) The fire and rescue service may also—
- 24               (a) respond to a fire in a rural area; and
- 25               (b) provide first response to any other incident to which another  
26               emergency service may respond under this Act, if the  
27               emergency service is unavailable.

1    **45           Constitution of fire and rescue service**

2           The fire and rescue service consists of—

- 3           (a) the chief officer (fire and rescue service); and  
4           (b) the deputy chief officer (fire and rescue service); and  
5           (c) other members of the fire and rescue service; and  
6           (d) any volunteer members.

7    **46           Ranks for fire and rescue service members**

8           The chief officer (fire and rescue service) may give members of the  
9           fire and rescue service various ranks in accordance with the  
10          standards and protocols for the fire and rescue service.

11   **20           Functions of rural fire service**  
12    **Section 52 (2)**

13          *substitute*

- 14          (2) In exercising the function, the rural fire service is responsible for—  
15           (a) operational planning for fire response in rural areas, including  
16           fire preparedness; and  
17           (b) fire response in rural areas, other than for a fire that is in a  
18           building and at which a member of the fire and rescue service  
19           is present.

20   **21           New section 52 (4)**

21          *after the note, insert*

- 22          (4) The rural fire service may also—  
23           (a) respond to a fire in built-up areas; and  
24           (b) provide first response to any other incident to which another  
25           emergency service may respond under this Act, if the  
26           emergency service is unavailable.

1 **22 Functions of SES**  
2 **Section 57 (2) (b), example**

3 *omit*  
4 or fire and rescue  
5 *substitute*  
6 fire and rescue service members

7 **23 Volunteer appointments in accordance with guidelines**  
8 **Section 59C (3)**

9 *omit*

10 **24 Section 59C (4), definition of *senior rank***

11 *omit*

12 **25 What is a built-up area and a *rural area*?**  
13 **Section 65, note 1**

14 *omit*  
15 Fire and rescue  
16 *substitute*  
17 The fire and rescue service

18 **26 What is the *city area*?**  
19 **Section 66**

20 *omit*

1 **27 Fires in built-up area**  
2 **Section 67 (2) and note**

3 *substitute*

4 (2) For the purpose of extinguishing or preventing the spread of the fire,  
5 or responding to the consequences of the fire, the chief officer (fire  
6 and rescue service) may—

- 7 (a) control and direct members of an emergency service; and  
8 (b) direct a person to leave any land or premises on fire, near the  
9 fire, or affected by the consequences of the fire; and  
10 (c) remove to any place the chief officer considers appropriate  
11 anything that the chief officer considers is interfering with, or  
12 may interfere with, the fire control operation; and  
13 (d) do anything else the chief officer considers appropriate.

14 **Examples—par (d)**

- 15 1 severing or pulling down a fence  
16 2 burning grass or other vegetation

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

20 **28 Fires in rural areas**  
21 **Section 68 (2) and note**

22 *substitute*

23 (2) For the purpose of extinguishing or preventing the spread of the fire,  
24 or responding to the consequences of the fire, the chief officer (rural  
25 fire service) may—

- 26 (a) control and direct members of an emergency service; and  
27 (b) direct a person to leave any land or premises on fire, near the  
28 fire, or affected by the consequences of the fire; and



1 (c) remove to any place the chief officer considers appropriate  
 2 anything that the chief officer considers is interfering with, or  
 3 may interfere with, the fire control operation; and

4 (d) do anything else the chief officer considers appropriate.

5 **Examples—par (d)**

6 1 severing or pulling down a fence

7 2 burning grass or other vegetation

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

11 **29 New section 77B**

12 *insert*

13 **77B Commissioner may make bushfire management**  
 14 **standards**

15 (1) The commissioner may make standards relating to requirements  
 16 under the strategic bushfire management plan (the *bushfire*  
 17 *management standards*).

18 (2) In preparing the bushfire management standards the commissioner  
 19 must consult with the conservator.

20 (3) The bushfire management standards may apply, adopt or incorporate  
 21 a law or instrument as in force from time to time.

22 *Note* The text of an applied, adopted or incorporated law or instrument,  
 23 whether applied as in force from time to time or at a particular time, is  
 24 taken to be a notifiable instrument if the operation of the [Legislation](#)  
 25 [Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

26 (4) The bushfire management standards are a notifiable instrument.

27 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

- 1 (5) The [Legislation Act](#), section 47 (6) does not apply in relation to an  
2 Australian Standard, or an Australian/New Zealand Standard,  
3 applied, adopted or incorporated as in force from time to time under  
4 the bushfire management standards.

5 **30 Directions by Minister to manager of land**  
6 **Section 81 (1)**

7 *substitute*

- 8 (1) The Minister may give a written direction to the manager of an area  
9 of unleased territory land, or land occupied by the Territory, in  
10 relation to compliance with—

- 11 (a) a bushfire management requirement for the area; or  
12 (b) a bushfire operational plan for the area; or  
13 (c) a bushfire management standard for the area.

14 **31 Directions by commissioner to owner of land**  
15 **Section 82 (1)**

16 *substitute*

- 17 (1) The commissioner may, in writing, direct an owner of land in an  
18 area to comply with—

- 19 (a) a bushfire management requirement for the area; or  
20 (b) a bushfire operational plan for the area; or  
21 (c) a bushfire management standard for the area.

- 1 **32 Section 84**
- 2 *substitute*
- 3 **84 Fire fuel reduction**
- 4 The chief officer (fire and rescue service) and the chief officer (rural  
5 fire service) may, at any time in accordance with the strategic  
6 bushfire management plan and the *Environment Protection  
7 Act 1997*, light a controlled fire anywhere in the ACT for the  
8 purpose of reducing the risk of bushfire or the spread of bushfire.
- 9 **33 New section 85**
- 10 *in division 5.4.1, insert*
- 11 **85 Meaning of *relevant chief officer*—div 5.4.1**
- 12 In this division:
- 13 *relevant chief officer* means—
- 14 (a) in relation to premises in a built-up area—the chief officer (fire  
15 and rescue service); and
- 16 (b) in relation to premises in a rural area—the chief officer (fire  
17 and rescue service) or the chief officer (rural fire service).
- 18 **34 Sections 86 and 87 (1) (a)**
- 19 *omit*
- 20 chief officer (fire and rescue)
- 21 *substitute*
- 22 relevant chief officer

1 **35 Improvement notices**  
2 **Section 87 (2)**  
3 *omit*  
4 chief officer (fire and rescue) may, on the chief officer's initiative  
5 *substitute*  
6 relevant chief officer may, on the relevant chief officer's initiative

7 **36 Ending of notices for premises**  
8 **Section 91 (3)**  
9 *omit*  
10 chief officer (fire and rescue)  
11 *substitute*  
12 relevant chief officer who gave the notice

13 **37 Section 91 (4) and (5)**  
14 *omit*  
15 chief officer (fire and rescue)  
16 *substitute*  
17 relevant chief officer

18 **38 Direction to provide fire appliance at premises**  
19 **Section 92**  
20 *omit*  
21 chief officer (fire and rescue)  
22 *substitute*  
23 relevant chief officer

1 **39 Directions to comply with fire prevention obligations etc**  
2 **New section 109 (1) (c)**

3 *insert*

4 (c) a bushfire management standard.

5 **40 Offence—lighting etc fire during total fire ban**  
6 **Section 116 (1), penalty**

7 *substitute*

8 Maximum penalty: 200 penalty units, imprisonment for 2 years or  
9 both.

10 **41 New section 116A**

11 *insert*

12 **116A Offence—high risk activity during total fire ban**

13 (1) A person commits an offence if—

14 (a) the person undertakes a high risk activity in the open air in an  
15 area; and

16 (b) a total fire ban is in force for the area.

17 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
18 both.

19 (2) Strict liability applies to subsection (1) (b).

20 (3) Subsection (1) does not apply to—

21 (a) a high risk activity undertaken for fire prevention by anyone  
22 acting under this Act; or

23 (b) a high risk activity undertaken in accordance with a permit  
24 issued under section 118; or

25 (c) a high risk activity prescribed by regulation as an exempt high  
26 risk activity and undertaken in accordance with a regulation.

- 1 (4) In this section:  
2 ***high risk activity*** means the following:  
3 (a) welding;  
4 (b) grinding;  
5 (c) soldering;  
6 (d) gas cutting;  
7 (e) any other activity prescribed by regulation as a high risk  
8 activity.

9 **42 Fire permits**  
10 **Section 118 (1)**

- 11 *omit*  
12 , or use fireworks,  
13 *substitute*  
14 , use fireworks, or undertake a high risk activity,

15 **43 New section 118 (7)**

- 16 *insert*  
17 (7) In this section:  
18 ***high risk activity***—see section 116A (4).

19 **44 Bushfire council members**  
20 **Section 129 (2)**

- 21 *substitute*  
22 (2) The following must be appointed under subsection (1):  
23 (a) a person to represent the interests of rural lessees;

- 1 (b) a person with relevant skills or experience to represent the  
2 community's interest in the environment;
- 3 (c) a person to represent the community's interests generally.
- 4 (2A) The Minister must try to ensure that the following are among the  
5 other members appointed:
- 6 (a) a person with skills or experience in fire sciences;
- 7 (b) a person with experience in land management;
- 8 (c) a person to with experience in fighting fires in built-up areas;
- 9 (d) a person to with experience in fighting fires in rural areas;
- 10 (e) a person with experience in indigenous land management.

11 **45 Section 129 (4), note**

12 *omit*

13 **46 New section 129 (5) to (7)**

14 *after the note, insert*

- 15 (5) A person must not be appointed for more than 2 consecutive terms.
- 16 (6) Subsection (5) does not apply to a person who is a member of the  
17 council immediately before the subsection commences.
- 18 (7) Subsection (6) and this subsection expire 8 years after the day this  
19 subsection commences.

20 **47 Functions of bushfire council**  
21 **New section 130 (2A)**

22 *insert*

- 23 (2A) The council may publish advice given under subsection (1) or (2) if  
24 the council first consults the commissioner about publishing the  
25 advice.

1 **48 Interfering with fire appliance, hydrant, alarm etc**  
2 **Section 190 (2)**

3 *omit*

4 **49 New section 190 (4A)**

5 *insert*

6 (4A) This section does not apply if the person has the permission of a  
7 member of the fire and rescue service, a member of the rural fire  
8 service or a police officer to do the thing.

9 **50 Section 190 (5)**

10 *omit*

11 Subsection (4) does not apply

12 *substitute*

13 Subsection (4) also does not apply

14 **51 New section 195A**

15 *insert*

16 **195A Establishment of ambulance service quality assurance**  
17 **committee**

18 (1) The ambulance quality assurance committee is established.

19 (2) Schedule 1A has effect in relation to the committee.



1 **52 Protection of officials from liability**  
2 **New section 198 (4) (f)**

3 *before the note, insert*

4 (f) a person who—

5 (i) is, or has been, a member of the ambulance service  
6 quality assurance committee; or

7 (ii) acted under the direction of a person who is, or was at the  
8 time, a member of the ambulance service quality  
9 assurance committee.

10 **53 Review of Act**  
11 **Section 203 (2)**

12 *omit*

13 within 3 months after the day the review is started.

14 *substitute*

15 as soon as practicable after the review is completed.

16 **54 New schedule 1A**

17 *insert*

18 **Schedule 1A Ambulance service quality**  
19 **assurance committee**

20 **1A.1 Definitions—sch 1A**

21 In this schedule:

22 *committee* means the ambulance service quality assurance  
23 committee.

- 1            ***information holder*** means a person who—
- 2            (a) is or has been a member of the committee; or
- 3            (b) exercises or has exercised a function under this schedule; or
- 4            (c) is or has been engaged in the administration of this schedule;
- 5            or
- 6            (d) has been given information under this Act by a person
- 7            mentioned in paragraphs (a), (b) or (c).

- 8            ***protected information***—
- 9            (a) means information about a person that is disclosed to, or
- 10            obtained by, an information holder because of the exercise of a
- 11            function under this Act by the information holder or someone
- 12            else; and
- 13            (b) includes sensitive information.

- 14            ***sensitive information*** means information that—
- 15            (a) identifies a person who—
- 16                    (i) has received an ambulance service; or
- 17                    (ii) is exercising a function in relation to the ambulance
- 18                    service; or
- 19                    (iii) has provided information to the committee in the course
- 20                    of the committee carrying out the committee’s functions
- 21                    under this chapter; or
- 22            (b) would allow the identity of a person mentioned in
- 23            paragraph (a) to be worked out.

24            **1A.2      Function of ASQAC**

25            The committee has the following functions:

- 26            (a) to facilitate the improvement of clinical services provided by
- 27            the ambulance service in the ACT;

1 (b) any other function given to the committee under this Act.

### 2 **1A.3 Appointment of ASQAC members**

3 (1) The commissioner must appoint the members of the committee.

4 *Note 1* For the making of appointments (including acting appointments), see  
5 the [Legislation Act](#), pt 19.3.

6 *Note 2* In particular, an appointment may be made by naming a person or  
7 nominating the occupant of a position (see [Legislation Act](#), s 207).

8 *Note 3* A person may be reappointed to a position if the person is eligible to be  
9 appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def  
10 *appoint*).

11 (2) An appointment must be for a term of not longer than 3 years.

12 (3) An appointment is a notifiable instrument.

13 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

### 14 **1A.4 Disclosure of interest by ASQAC members etc**

15 (1) If a person who is a member of, or acting under the direction of, the  
16 committee has a material interest in an issue being considered, or  
17 about to be considered, by the committee, the person must disclose  
18 the nature of the interest at a committee meeting as soon as  
19 practicable after the relevant facts come to the person's knowledge.

20 (2) The disclosure must be recorded in the committee's minutes and,  
21 unless the committee otherwise decides, the person must not—

22 (a) be present when the committee considers the issue; or

23 (b) take part in a decision of the committee on the issue.

24 (3) Any other person who also has a material interest in the issue must  
25 not be present when the committee is considering its decision under  
26 subsection (2).

- 1           (4) In this section:
- 2                 **associate**, of a person, means—
- 3                     (a) the person’s business partner; or
- 4                     (b) a close friend of the person; or
- 5                     (c) a family member of the person.
- 6                 **executive officer**, of a corporation, means a person (however
- 7                     described) who is concerned with, or takes part in, the corporation’s
- 8                     management, whether or not the person is a director of the
- 9                     corporation.
- 10                **indirect interest**—without limiting the kinds of indirect interests a
- 11                    person may have, a person has an **indirect interest** in an issue if any
- 12                    of the following has an interest in the issue:
- 13                    (a) an associate of the person;
- 14                    (b) a corporation if the corporation has not more than
- 15                         100 members and the person, or an associate of the person, is a
- 16                         member of the corporation;
- 17                    (c) a subsidiary of a corporation mentioned in paragraph (b);
- 18                    (d) a corporation if the person, or an associate of the person, is an
- 19                         executive officer of the corporation;
- 20                    (e) the trustee of a trust if the person, or an associate of the person,
- 21                         is a beneficiary of the trust;
- 22                    (f) a member of a firm or partnership if the person, or an associate
- 23                         of the person, is a member of the firm or partnership;
- 24                    (g) someone else carrying on a business if the person, or an
- 25                         associate of the person, has a direct or indirect right to
- 26                         participate in the profits of the business.

1            *material interest*—a person has a *material interest* in an issue if the  
2            person has—

- 3            (a) a direct or indirect financial interest in the issue; or  
4            (b) a direct or indirect interest of any other kind if the interest  
5            could conflict with the proper exercise of the person's  
6            functions in relation to the committee's consideration of the  
7            issue.

#### 8            **1A.5            Procedure for ASQAC**

9            In exercising its functions, the committee—

- 10            (a) must comply with the rules of natural justice; and  
11            (b) is not bound by the rules of evidence but may inform itself of  
12            anything in the way it considers appropriate; and  
13            (c) may do whatever it considers necessary or convenient for the  
14            fair and prompt exercise of its functions.

#### 15            **1A.6            Obtaining information**

- 16            (1) The committee may ask anyone to give the committee information,  
17            including protected information, that is relevant to the committee  
18            carrying out its function.
- 19            (2) When asking anyone for information, the committee must tell the  
20            person that giving false or misleading information is an offence  
21            against the [Criminal Code](#), section 338 (Giving false or misleading  
22            information).
- 23            (3) If someone gives information honestly and without recklessness to  
24            the committee under subsection (1)—
- 25            (a) the giving of the information is not—
- 26                    (i) a breach of confidence; or  
27                    (ii) a breach of professional etiquette or ethics; or

- 1 (iii) a breach of a rule of professional conduct; and  
2 (b) the person does not incur civil or criminal liability only  
3 because of the giving of the information.

4 **1A.7 Annual ASQAC report to Minister**

- 5 (1) The committee must, for each financial year, prepare a report  
6 (a *ministerial report*) about the committee's operation during the  
7 year.  
8 (2) The ministerial report must include information for the financial  
9 year about—  
10 (a) the committee's functions under the Act; and  
11 (b) how the committee's functions were facilitated by the  
12 application of section 198 (Protection of officials from  
13 liability); and  
14 (c) why it was in the public interest for section 1A.10 (Offence—  
15 secrecy of protected information) to apply to information held  
16 by the committee members.  
17 (3) The ministerial report must comply with any requirements  
18 prescribed by regulation for this section.  
19 (4) The ministerial report must not include sensitive information.  
20 (5) The ministerial report must be given to the Minister not later than  
21 3 months after the end of the financial year.

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1    **1A.8     ASQAC may give information**

2           (1) The committee may give protected information to 1 or more of the  
3           following if the committee is satisfied that giving the information  
4           would be likely to facilitate the improvement of clinical services  
5           provided by the ambulance service in the ACT:

6           (a) the Coroner’s Court;

7           (b) a health board;

8           (c) the Minister.

9           (2) If the committee gives protected information to a health board under  
10          subsection (1), the committee must also give the information to the  
11          health services commissioner.

12          (3) In this section:

13            ***health board*** means a national board established under the *Health*  
14            *Practitioner Regulation National Law (ACT)*, section 31.

15    **1A.9     Admissibility of ASQAC evidence**

16          (1) The following are not admissible as evidence in a proceeding before  
17          a court:

18          (a) an oral statement made in a proceeding before the committee;

19          (b) a document given to the committee, but only to the extent that  
20          it was prepared only for the committee;

21          (c) a document prepared by the committee.

22          (2) In this section:

23            ***court*** includes a tribunal, authority or person with power to require  
24            the production of documents or the answering of questions.

- 1     **1A.10     Offence—secrecy of protected information**
- 2             (1) An information holder commits an offence if—
- 3                 (a) the information holder—
- 4                     (i) makes a record of protected information about someone
- 5                     else; and
- 6                     (ii) is reckless about whether the information is protected
- 7                     information about someone else; or
- 8                 (b) the information holder—
- 9                     (i) does something that divulges protected information about
- 10                    someone else; and
- 11                    (ii) is reckless about whether—
- 12                         (A) the information is protected information about
- 13                         someone else; and
- 14                         (B) doing the thing would result in the information
- 15                         being divulged to another person.
- 16             Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 17             both.
- 18             (2) This section does not apply to the making of a record or the
- 19             divulging of information if the record is made or the information
- 20             divulged—
- 21                 (a) under this Act; or
- 22                 (b) in the exercise of a function, as an information holder, under
- 23                 this Act.
- 24             (3) This section does not apply to the making of a record or the
- 25             divulging of information if—
- 26                 (a) the protected information is not sensitive information; and



- 1 (b) the record is made or the information divulged—
- 2 (i) under another territory law; or
- 3 (ii) in the exercise of a function, as an information holder,
- 4 under another territory law.
- 5 (4) This section does not apply to the divulging of protected
- 6 information about someone with the person's agreement.
- 7 (5) An information holder must not divulge protected information to a
- 8 court, or produce a document containing protected information to a
- 9 court, unless it is necessary to do so for this Act.
- 10 *Note* A quality assurance committee may give protected information to the
- 11 Coroner's Court (see s 1A.8).
- 12 (6) In this section:
- 13 *court* includes a tribunal, authority or person with power to require
- 14 the production of documents or the answering of questions.
- 15 *divulge* includes communicate.
- 16 *produce* includes allow access to.

## 17 **55 Dictionary, new definitions**

- 18 *insert*
- 19 *ambulance service quality assurance committee* (or *ASQAC*)
- 20 means a committee established under section 195A.
- 21 *ASQAC*—see *ambulance service quality assurance committee*.

- 1 **56 Dictionary, definition of *chief officer (fire and rescue)***  
2 *omit*
- 3 **57 Dictionary, new definition of *chief officer (fire and rescue***  
4 ***service)***  
5 *insert*  
6 *chief officer (fire and rescue service)*—see section 29.
- 7 **58 Dictionary, definition of *city area***  
8 *omit*
- 9 **59 Dictionary, new definition of *committee***  
10 *insert*  
11 *committee*, for schedule 1A (Ambulance service quality assurance  
12 committee)—see section 1A.1.
- 13 **60 Dictionary, definition of *fire and rescue***  
14 *omit*
- 15 **61 Dictionary, new definitions**  
16 *insert*  
17 *fire and rescue service* means the ACT Fire and Rescue Service  
18 established under section 43.  
19 *information holder*, for schedule 1A (Ambulance service quality  
20 assurance committee)—see section 1A.1.  
21 *protected information*, for schedule 1A (Ambulance service quality  
22 assurance committee)—see section 1A.1.  
23 *relevant chief officer*, for division 5.4.1 (Notices and directions for  
24 premises)—see section 85.

1            *sensitive information*, for schedule 1A (Ambulance service quality  
2            assurance committee)—see section 1A.1.

3            **62 Further amendments, mentions of *fire and rescue***

4            *omit*

5            fire and rescue

6            *substitute*

7            the fire and rescue service

8            *in*

- 9            • section 3 (c)
- 10           • section 29 (1) (1st mention)
- 11           • section 29 (3) (a) and (b)
- 12           • section 52
- 13           • section 67 (5) (1st mention)
- 14           • section 67 (5) (a)
- 15           • section 67 (6) (1st mention)
- 16           • section 68
- 17           • section 69 (2)
- 18           • section 99 (2) (2nd mention)
- 19           • section 100 (2) (2nd mention)
- 20           • section 121 (1) (a)
- 21           • section 189 (1) (b)
- 22           • dictionary, definition of *emergency service*

1 **63 Further amendments, mentions of (*fire and rescue*)**

2 *omit*

3 (fire and rescue)

4 *substitute*

5 (fire and rescue service)

6 *in*

- 7 • section 29 (1) and (3)
- 8 • section 30 (3) (c)
- 9 • section 38 (1), example
- 10 • sections 47 to 50
- 11 • section 64 (3), example 1
- 12 • section 65 (2)
- 13 • section 67
- 14 • section 69 (1)
- 15 • section 96 (3)
- 16 • section 99
- 17 • section 100
- 18 • section 142 (1) (d)
- 19 • section 188 (b)
- 20 • dictionary, definition of *chief officer*

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Building (General) Regulation**  
4 **2008**

5 **[1.1] Section 7 (1), example 3**

6 *omit*

7 fire and rescue

8 *substitute*

9 the fire and rescue service

10 **[1.2] Section 35 (b)**

11 *omit*

12 the chief officer (fire and rescue) or chief officer (rural fire service)

13 *substitute*

14 the emergency services commissioner

15 **[1.3] Schedule 2, part 2.2, items 6 and 7**

16 *substitute*

6 use of alternative building solution for a provision of the building code that deals with fire protection emergency services commissioner

7 erection of building, or new part of building, if building, or new part— emergency services commissioner

(a) is not a class 1, class 10a or class 10b building; and

(b) has floor area larger than 500m<sup>2</sup>

1 **[1.4] Dictionary, note 2**

2 *insert*

- 3
  - emergency services commissioner

4 **Part 1.2 Civil Law (Wrongs) Regulation**  
5 **2003**

6 **[1.5] Section 4 (3) (d)**

7 *omit*

8 fire and rescue

9 *substitute*

10 fire and rescue service

11 **[1.6] Dictionary, note 2**

12 *omit*

- 13
  - fire and rescue

14 *substitute*

- 15
  - fire and rescue service

16 **Part 1.3 Crimes Act 1900**

17 **[1.7] Section 396 (2), definition of *member of the emergency***  
18 ***services*, paragraph (b)**

19 *substitute*

20 (b) the fire and rescue service; or

1 **[1.8] Dictionary, note 2**

2 *omit*

- 3 • fire and rescue

4 *substitute*

- 5 • fire and rescue service

6 **Part 1.4 Dangerous Substances Act 2004**

7 **[1.9] Section 85, definition of *authorised person*, paragraph (d)**

8 *substitute*

- 9 (d) a member of the ambulance service, the fire and rescue service,  
10 the rural fire service or the SES.

11 **[1.10] Dictionary, note 2**

12 *omit*

- 13 • fire and rescue

14 *substitute*

- 15 • fire and rescue service

16 **Part 1.5 Dangerous Substances**  
17 **(Explosives) Regulation 2004**

18 **[1.11] Dictionary, note 2**

19 *omit*

- 20 • chief officer (fire and rescue)

21 *substitute*

- 22 • chief officer (fire and rescue service)

1 **[1.12] Dictionary, note 2**

2 *omit*

- 3 • fire and rescue

4 *substitute*

- 5 • fire and rescue service

6 **[1.13] Dictionary, definition of *firefighter*, paragraphs (a) and (b)**

7 *substitute*

8 (a) the chief officer (fire and rescue service); or

9 (b) any other member of the fire and rescue service; or

10 **[1.14] Further amendments, mentions of (*fire and rescue*)**

11 *omit*

12 (fire and rescue)

13 *substitute*

14 (fire and rescue service)

15 *in*

- 16 • section 22

- 17 • section 24 (1) (a)

- 18 • section 60

- 19 • section 134

- 20 • section 317 (2), definition of *police and fire authorities*,  
21 paragraph (b)



1 **Part 1.6** **Dangerous Substances (General)**  
2 **Regulation 2004**

3 **[1.15] Section 244 (1) (d)**

4 *substitute*

5 (d) fire hydrants and fire hose coupling points at the premises that  
6 may be used by the fire and rescue service or the rural fire  
7 service are suitable for use by the fire and rescue service or the  
8 rural fire service.

9 **[1.16] Dictionary, note 2**

10 *omit*

- 11
  - fire and rescue

12 *substitute*

- 13
  - fire and rescue service

14 **Part 1.7** **Electricity Safety Act 1971**

15 **[1.17] Section 35 (3), definition of *authorised person*,**  
16 **paragraph (d)**

17 *omit*

18 fire and rescue

19 *substitute*

20 the fire and rescue service

1 **Part 1.8 Emergencies Regulation 2004**

2 **[1.18] New section 2**

3 *insert*

4 **2 Dictionary**

5 The dictionary at the end of this regulation is part of this regulation.

6 *Note 1* The dictionary at the end of this regulation defines certain terms used in  
7 this regulation.

8 *Note 2* A definition in the dictionary applies to the entire regulation unless the  
9 definition, or another provision of the regulation, provides otherwise or  
10 the contrary intention otherwise appears (see [Legislation Act](#), s 155 and  
11 s 156 (1)).

12 **[1.19] Section 5 (2), definition of *factory***

13 *omit*

14 **[1.20] New section 5A**

15 *insert*

16 **5A Exempt high risk activity—Act, s 116A (3) (c)**

17 Each of the following is an exempt high risk activity:

18 (a) a high risk activity at a factory if—

19 (i) the activity is undertaken in a building or other structure;  
20 and

21 (ii) reasonable steps have been taken to prevent the escape of  
22 fire or material that is likely to generate fire from the  
23 building or structure;

- 1 (b) a high risk activity undertaken under the authority of any entity  
2 in relation to the repair or maintenance of services or  
3 equipment essential for continuing or restoring transport or  
4 communication, or a supply of heat, light, power, water or  
5 sewerage, if—
- 6 (i) the emergency services commissioner has been given  
7 notice of the intention to undertake the activity; and
- 8 (ii) reasonable steps have been taken to prevent the escape of  
9 fire or material that is likely to generate fire from the  
10 place where the activity is undertaken.

11 **[1.21] Section 8**

12 *substitute*

13 **8 Attendance by fire and rescue service members at public**  
14 **events**

- 15 (1) This section applies to public entertainment or a public meeting if  
16 the chief officer (fire and rescue service) considers that because of  
17 the nature of the entertainment or meeting, or the decorations,  
18 appliances or lighting used at the entertainment or meeting, the  
19 attendance of the fire and rescue service is needed.
- 20 (2) The chief officer (fire and rescue service) may direct 1 or more  
21 members of the fire and rescue service to attend all or part of the  
22 entertainment or meeting.

23 *Note* A fee may be determined under the Act, s 201 for the attendance.

1 **[1.22] New dictionary**

2 *insert*

3 **Dictionary**

4 (see s 2)

5 *Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to  
6 this regulation.

7 *Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- 8 • adult  
9 • offence  
10 • penalty unit (see s 133).

11 *Note 3* Terms used in this regulation have the same meaning that they have in  
12 the [Emergencies Act 2004](#) (see [Legislation Act](#), s 148). For example,  
13 the following terms are defined in the [Emergencies Act 2004](#),  
14 dictionary:

- 15 • bushfire season  
16 • chief officer (fire and rescue service).

17 *factory* means a building or other place where goods are  
18 manufactured or repaired in the course of carrying on a trade or  
19 business.

20 **Part 1.9 Environment Protection Act 1997**

21 **[1.23] Section 6**

22 *substitute*

23 **6 Application of Act to Emergencies Act 2004**

24 (1) This Act does not apply to the exercise or purported exercise by a  
25 relevant person of a function under the [Emergencies Act 2004](#) for  
26 the purpose of—

27 (a) protecting life or property; or

- 1 (b) controlling, extinguishing or preventing the spread of a fire.
- 2 (2) In this section:
- 3 *relevant person* means—
- 4 (a) a member of the ambulance service; or
- 5 (b) a member of the fire and rescue service; or
- 6 (c) a member of the rural fire service; or
- 7 (d) a member of the SES; or
- 8 (e) any other person under the control of—
- 9 (i) the chief officer (ambulance service); or
- 10 (ii) the chief officer (fire and rescue service); or
- 11 (iii) the chief officer (rural fire service); or
- 12 (iv) the chief officer (SES); or
- 13 (f) a police officer.

14 **Part 1.10 Environment Protection**  
15 **Regulation 2005**

16 **[1.24] Schedule 1, table 1.2, item 3, column 3**

17 *omit*

18 (fire and rescue)

19 *substitute*

20 (fire and rescue service)

1 **[1.25] Schedule 1, table 1.2, item 7**

2 *substitute*

7	display, ceremony, celebration or similar activity	the display, ceremony, celebration or activity— (a) is authorised by the emergency services commissioner; and (b) is conducted in accordance with an approval; and (c) is either— (i) held on unleased land; or (ii) held with the consent of the lessee on leased land that is not residential land <i>Note Approval</i> is defined in the dictionary.
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3 **[1.26] Dictionary, note 2**

4 *omit*

- 5
  - chief officer (fire and rescue)

6 *substitute*

- 7
  - chief officer (fire and rescue service)

8 **[1.27] Dictionary, note 2**

9 *insert*

- 10
  - emergency services commissioner

1 **Part 1.11** **Heritage Act 2004**

2 **[1.28] Section 7**

3 *substitute*

4 **7 Application of Act to Emergencies Act 2004**

5 (1) This Act does not apply to the exercise or purported exercise by a  
6 relevant person of a function under the *Emergencies Act 2004* for  
7 the purpose of—

8 (a) protecting life or property; or

9 (b) controlling, extinguishing or preventing the spread of a fire.

10 (2) In this section:

11 *relevant person* means—

12 (a) a member of the ambulance service; or

13 (b) a member of the fire and rescue service; or

14 (c) a member of the rural fire service; or

15 (d) a member of the SES; or

16 (e) any other person under the control of—

17 (i) the chief officer (ambulance service); or

18 (ii) the chief officer (fire and rescue service); or

19 (iii) the chief officer (rural fire service); or

20 (iv) the chief officer (SES); or

21 (f) a police officer.

1 **Part 1.12** **Legislation Act 2001**

2 **[1.29] Dictionary, part 1, definition of *chief officer (fire and***  
3 ***rescue)***

4 *omit*

5 **[1.30] Dictionary, part 1, new definition of *chief officer (fire and***  
6 ***rescue service)***

7 *substitute*

8 *chief officer (fire and rescue service)* means the chief officer (fire  
9 and rescue service) under the [Emergencies Act 2004](#).

10 **[1.31] Dictionary, part 1, definition of *emergency service***

11 *substitute*

12 *emergency service* means the ambulance service, the fire and rescue  
13 service, the rural fire service or the SES.

14 **[1.32] Dictionary, part 1, definition of *fire and rescue***

15 *omit*

16 **[1.33] Dictionary, part 1, new definition of *fire and rescue***  
17 ***service***

18 *substitute*

19 *fire and rescue service* means the ACT Fire and Rescue Service  
20 established under the [Emergencies Act 2004](#).



1 **Part 1.13** **Liquor Act 2010**

2 **[1.34] Sections 85 to 87**

3 *omit*

4 (fire and rescue)

5 *substitute*

6 (fire and rescue service)

7 **[1.35] Dictionary, note 2**

8 *omit*

- 9
  - chief officer (fire and rescue)

10 *substitute*

- 11
  - chief officer (fire and rescue service)

12 **Part 1.14** **Liquor Regulation 2010**

13 **[1.36] Schedule 1, section 1.16 (3) (c)**

14 *substitute*

15 (c) the fire and rescue service;

16 **Part 1.15** **Nature Conservation Act 2014**

17 **[1.37] Section 7 (2), definition of *relevant person*, paragraph (b)**

18 *substitute*

19 (b) a member of the fire and rescue service; or

1 **[1.38] Section 7 (2), definition of *relevant person*,**  
2 **paragraph (e) (ii)**

3 *substitute*

4 (ii) the chief officer (fire and rescue service); or

5 **Part 1.16 Rail Safety National Law (ACT)**  
6 **Act 2014**

7 **[1.39] Section 9, definition of *emergency service*, note**

8 *omit*

9 fire and rescue

10 *substitute*

11 the fire and rescue service

12 **Part 1.17 Road Transport (Safety and**  
13 **Traffic Management) Regulation**  
14 **2000**

15 **[1.40] Section 33, definition of *emergency worker*, paragraph (b)**

16 *omit*

17 fire and rescue,

18 *substitute*

19 the fire and rescue service,

1 **[1.41] Dictionary, note 2**

2 *omit*

- 3 • fire and rescue

4 *substitute*

- 5 • fire and rescue service

6 **Part 1.18 Road Transport (Vehicle**  
7 **Registration) Regulation 2000**

8 **[1.42] Section 17 (1) (c) (ii)**

9 *omit*

10 fire and rescue,

11 *substitute*

12 the fire and rescue service,

13 **[1.43] Dictionary, note 2**

14 *omit*

- 15 • fire and rescue

16 *substitute*

- 17 • fire and rescue service

18 **Part 1.19 Security Industry Regulation**  
19 **2003**

20 **[1.44] Section 6 (1) (d)**

21 *substitute*

22 (d) the chief officer (fire and rescue service) and any other  
23 member of the fire and rescue service;

1 **[1.45] Dictionary, note 2**

2 *omit*

- 3 • chief officer (fire and rescue)

4 *substitute*

- 5 • chief officer (fire and rescue service)

6 **Part 1.20 Taxation Administration**  
7 **Regulation 2004**

8 **[1.46] Section 4**

9 *omit*

10 chief officer (fire and rescue)

11 *substitute*

12 chief officer (fire and rescue service)

13 **Part 1.21 Territory Records Regulation**  
14 **2009**

15 **[1.47] Schedule 1, item 2, column 2**

16 *substitute*

17 ACT Fire and Rescue Service

18 **[1.48] Dictionary, definition of *ACT Fire and Rescue***

19 *omit*

1 **[1.49] Dictionary, new definition of *ACT Fire and Rescue***  
2 ***Service***

3 *insert*

4 *ACT Fire and Rescue Service* means the ACT Fire and Rescue  
5 Service established under the *Emergencies Act 2004*, section 43.

6 **Part 1.22 Tree Protection Act 2005**

7 **[1.50] Section 19 (1) (f)**

8 *substitute*

9 (f) anything done in the exercise or purported exercise by a  
10 relevant person of a function under the *Emergencies Act 2004*  
11 for the purpose of—

12 (i) protecting life or property; or

13 (ii) controlling, extinguishing or preventing the spread of a  
14 fire.

15 **[1.51] Section 19 (2), definition of *relevant person***

16 *substitute*

17 *relevant person* means—

18 (a) a member of the ambulance service; or

19 (b) a member of the fire and rescue service; or

20 (c) a member of the rural fire service; or

21 (d) a member of the SES; or

22 (e) any other person under the control of—

23 (i) the chief officer (ambulance service); or

24 (ii) the chief officer (fire and rescue service); or

- 1 (iii) the chief officer (rural fire service); or  
2 (iv) the chief officer (SES); or  
3 (f) a police officer.

4 **[1.52] Dictionary, note 2**

5 *omit*

- 6 • chief officer (fire and rescue)

7 *substitute*

- 8 • chief officer (fire and rescue service)

9 **Part 1.23 Water Resources Act 2007**

10 **[1.53] Section 28 (2) (d)**

11 *substitute*

- 12 (d) the exercise or purported exercise by a relevant person of a  
13 function under the *Emergencies Act 2004* for the purpose of—  
14 (i) protecting life or property; or  
15 (ii) controlling, extinguishing or preventing the spread of a  
16 fire; or

17 **[1.54] Section 28 (3), definition of *relevant person***

18 *substitute*

19 *relevant person* means—

- 20 (a) a member of the ambulance service; or  
21 (b) a member of the fire and rescue service; or  
22 (c) a member of the rural fire service; or  
23 (d) a member of the SES; or

- 1 (e) any other person under the control of—  
2 (i) the chief officer (ambulance service); or  
3 (ii) the chief officer (fire and rescue service); or  
4 (iii) the chief officer (rural fire service); or  
5 (iv) the chief officer (SES); or  
6 (f) a police officer.

## 7 **Part 1.24 Work Health and Safety Act 2011**

### 8 **[1.55] Section 108 (4), definition of *emergency services worker*, 9 note**

10 *substitute*

11 *Note* An *emergency service* means the ambulance service, the fire and rescue  
12 service, the rural fire service or the SES (see [Legislation Act](#), dict, pt 1).

## 13 **Part 1.25 Work Health and Safety 14 Regulation 2011**

### 15 **[1.56] Dictionary, definition of *emergency service organisation*, 16 note**

17 *substitute*

18 *Note* An *emergency service* means the ambulance service, the fire and rescue  
19 service, the rural fire service or the SES (see [Legislation Act](#), dict, pt 1).

### 20 **[1.57] Dictionary, definition of *emergency service worker*, note**

21 *substitute*

22 *Note* An *emergency service* means the ambulance service, the fire and rescue  
23 service, the rural fire service or the SES (see [Legislation Act](#), dict, pt 1).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 5 May 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 2016.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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