



Australian Capital Territory

Emergencies Regulation 2004

SL2004-26

made under the

Emergencies Act 2004

Republication No 3

Effective: 23 December 2004 – 11 April 2007

Republication date: 5 January 2005

Regulation not amended
(replication for commenced expiry)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Emergencies Regulation 2004*, made under the *Emergencies Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 January 2005. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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05/01/05

Emergencies Regulation 2004
Effective: 23/12/04-11/04/07

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Australian Capital Territory

Emergencies Regulation 2004

made under the

Emergencies Act 2004

1 Name of regulation

This regulation is the *Emergencies Regulation 2004*.

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 Prescribed fires—Act, s 116 (3) (d)

(1) Each of the following is a prescribed fire:

(a) a fire lit, maintained or used at a factory if—

(i) the fire is lit, maintained or used in a building or other structure; and

- (ii) reasonable steps have been taken to prevent the escape from the building or structure of the fire or material from the fire;
- (b) a fire lit, maintained or used under the authority of any entity in relation to the repair or maintenance of services or equipment essential for continuing or restoring transport or communication, or a supply of heat, light, power, water or sewerage, if—
 - (i) the emergency services authority has been given notice of the intention to light, maintain or use the fire; and
 - (ii) reasonable steps have been taken to prevent the escape from the place where the fire is lit, maintained or used of the fire or material from the fire;
- (c) a fire lit, maintained or used on any land for an electric or gas heating appliance to cook food or heat liquids if, while the appliance is in use—
 - (i) the appliance is under the direct control of a responsible adult; and
 - (ii) an area around the appliance of at least 3m is cleared of flammable material; and
 - (iii) a fire-extinguisher or a continuous stream of water is available for use;
- (d) a fire lit, maintained or used to allow a hot-air balloon to become or stay airborne or to control the descent of the balloon if—
 - (i) the balloon is under the direct control of a responsible person; and
 - (ii) an area of at least 3m around the balloon is cleared of flammable material before the fire is lit; and

(iii) a fire-extinguisher or a continuous stream of water is available for use.

(2) In this section:

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

material, from a fire, includes sparks or incandescent material from the fire.

6 Steam engines

(1) The owner of a steam engine commits an offence if the owner fails to install and maintain effective spark arrestors and sound ashpan to the engine.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and
- (b) in any other case—10 penalty units.

(2) A person in charge of a steam engine commits an offence if, before the person leaves the engine, the person does not extinguish any live coals that have dropped from the engine.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and
- (b) in any other case—10 penalty units.

(3) A person in charge of a steam engine commits an offence if the person does not take adequate steps to stop live coals dropping from the engine after the person leaves the engine.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and

- (b) in any other case—10 penalty units.
- (4) This section does not apply if the steam engine is used only for display purposes that do not involve its operation.
- (5) An offence against this section is a strict liability offence.
- (6) In this section:
bushfire season—see the Act, section 119.

7 Internal-combustion engines

- (1) A person commits an offence if the person uses an internal-combustion engine that is not fitted with an effective spark arrestor.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and
- (b) in any other case—10 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) In this section:

bushfire season—see the Act, section 119.

8 Attendance by fire brigade members at public events

- (1) This section applies to public entertainment or a public meeting if the chief officer (fire brigade) considers that because of the nature of the entertainment or meeting, or the decorations, appliances or lighting used at the entertainment or meeting, the attendance of the fire brigade is needed.
- (2) The chief officer (fire brigade) may direct 1 or more fire brigade members to attend all or part of the entertainment or meeting.

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

(3) In this section:

public entertainment means an exhibition, performance, lecture, game or sport to which the public has access whether or not by payment.

public meeting does not include a gathering of people for religious worship only.

9 Exempt contributions—Act, sch 1, s 2 (2) (a)

The following classes of people are prescribed:

- (a) people holding 1 or more of the following cards given to them by the Commonwealth:
 - (i) a health care card;
 - (ii) a pensioner concession card;
 - (iii) a pharmaceutical benefits concession card;
- (b) people who are service pensioners within the meaning of the *Veterans' Entitlements Act 1986* (Cwlth);
- (c) people living permanently outside the ACT.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Emergencies Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Emergencies Regulation 2004 SL2004-26

notified LR 30 June 2004

s 1, s 2 commenced 30 June 2004 (LA s 75 (1))

remainder commenced 1 July 2004 (s 2 and see Emergencies Act 2004 A2004-28, s 2 (1) and CN2004-11)

4 Amendment history

Name of regulation

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

Modification of Act, ch 11—Act, s 215 (2)

s 10 exp 22 December 2004 (see A2004-28, s 211 (1), s 217 and NI2004-486)

Modification of Act, ch 11

sch 1 exp 22 December 2004 (see A2004-28, s 211 (1), s 217 and NI2004-486)

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|----------------------------------|----------------------------|-------------------------------|--|
| R1 1 July 2004 | 1 July 2004– 1 Nov 2004 | not amended | new regulation |
| R2 2 Nov 2004 | 2 Nov 2004– 22 Dec 2004 | not amended | editorial amendments under Legislation Act |

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