



Australian Capital Territory

Emergencies Amendment Act 2016

A2016-33

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Australian Capital Territory

Emergencies Amendment Act 2016

A2016-33

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 2016*.

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 other legislation (see sch 1).

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

substitute

- (1) The commissioner is responsible for—
- (a) the overall strategic direction and management of the emergency services; and
 - (b) 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).

- (2) The commissioner is also responsible for—
- (a) community education and awareness about emergencies; and
 - (b) improving community preparedness for emergencies; and
 - (c) emergencies-related advice on planning and development matters.

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

insert

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

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

insert

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

**7 Chief officer—ambulance service
Section 28 (3) (c), except note**

omit

8 Section 29 heading

substitute

29 Chief officer—fire and rescue service

9 Section 29 (3) (c)

substitute

(c) operational planning for fire response in built-up areas, including fire preparedness and control; and

10 Section 29 (3) (f), except note

omit

**11 Chief officer—rural fire service
Section 30 (1)**

omit

with the bushfire council and

12 Section 30 (3) (c)

substitute

(c) operational planning for fire response in rural areas, including fire preparedness and control; and

13 Section 30 (3) (e), except note

omit

**14 Chief officer—SES
Section 31 (3) (c), except note**

omit

**15 Deputy chief officers
Section 32 (4)**

omit

**16 Directions by chief officer to service members
Section 35 (2) to (4)**

substitute

- (2) A direction by the chief officer (ambulance service) may be about the following:
 - (a) the provision of medical treatment (a ***medical treatment direction***);
 - (b) the scope of practice of an ambulance service member (a ***scope of practice direction***).
- (3) A direction by a chief officer of an emergency service (other than a medical treatment direction or a scope of practice direction) must, if practicable, be in accordance with any direction of the commissioner and the commissioner's guidelines.
- (4) A medical treatment direction and a scope of practice direction must, if practicable, be in accordance with medical treatment standards.

(5) In this section:

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

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).

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

omit

fire and rescue members

substitute

fire and rescue service members

18 Part 4.2 heading

substitute

Part 4.2 Fire and rescue service

19 Division 4.2.1

substitute

Division 4.2.1 Fire and rescue service

43 Establishment of fire and rescue service

The ACT Fire and Rescue Service is established.

44 Functions of fire and rescue service

- (1) The main function of the fire and rescue service is to protect and preserve life, property and the environment from fire in built-up areas.
- (2) In exercising the function, the fire and rescue service is responsible for—
 - (a) operational planning for fire response in built-up areas, including fire preparedness; and
 - (b) fire response in built-up areas.
- (3) The fire and rescue service has the following additional functions:
 - (a) to respond to and deal with hazardous material incidents;
 - (b) to respond to rescue incidents;
 - (c) to respond to chemical, biological and radiological incidents;
 - (d) to undertake assistance operations to support other entities in the exercise of their functions under this Act;
 - (e) any other function prescribed by regulation.

Example—par (d)

assisting police officers or ambulance service members in dealing with any incident or emergency

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).

- (4) The fire and rescue service may also—
 - (a) respond to a fire in a rural area; and
 - (b) provide first response to any other incident to which another emergency service may respond under this Act, if the emergency service is unavailable.

45 Constitution of fire and rescue service

The fire and rescue service consists of—

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

46 Ranks for fire and rescue service members

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

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

substitute

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

21 New section 52 (4)

after the note, insert

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

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

omit

or fire and rescue

substitute

fire and rescue service members

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

omit

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

omit

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

omit

Fire and rescue

substitute

The fire and rescue service

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

omit

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

substitute

- (2) For the purpose of extinguishing or preventing the spread of the fire, or responding to the consequences of the fire, the chief officer (fire and rescue service) may—
- (a) control and direct members of an emergency service; and
 - (b) direct a person to leave any land or premises on fire, near the fire, or affected by the consequences of the fire; and
 - (c) remove to any place the chief officer considers appropriate anything that the chief officer considers is interfering with, or may interfere with, the fire control operation; and
 - (d) do anything else the chief officer considers appropriate.

Examples—par (d)

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

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).

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

substitute

- (2) For the purpose of extinguishing or preventing the spread of the fire, or responding to the consequences of the fire, the chief officer (rural fire service) may—
- (a) control and direct members of an emergency service; and
 - (b) direct a person to leave any land or premises on fire, near the fire, or affected by the consequences of the fire; and

- (c) remove to any place the chief officer considers appropriate anything that the chief officer considers is interfering with, or may interfere with, the fire control operation; and
- (d) do anything else the chief officer considers appropriate.

Examples—par (d)

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

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).

29 New section 77B

insert

77B Commissioner may make bushfire management standards

- (1) The commissioner may make standards relating to requirements under the strategic bushfire management plan (the *bushfire management standards*).
- (2) In preparing the bushfire management standards the commissioner must consult with the conservator.
- (3) The bushfire management standards may apply, adopt or incorporate a law or instrument as in force from time to time.

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

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

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

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

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

substitute

- (1) The Minister may give a written direction to the manager of an area of unleased territory land, or land occupied by the Territory, in relation to compliance with—
- (a) a bushfire management requirement for the area; or
 - (b) a bushfire operational plan for the area; or
 - (c) a bushfire management standard for the area.

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

substitute

- (1) The commissioner may, in writing, direct an owner of land in an area to comply with—
- (a) a bushfire management requirement for the area; or
 - (b) a bushfire operational plan for the area; or
 - (c) a bushfire management standard for the area.

32 Section 84

substitute

84 Fire fuel reduction

The chief officer (fire and rescue service) and the chief officer (rural fire service) may, at any time in accordance with the strategic bushfire management plan and the *Environment Protection Act 1997*, light a controlled fire anywhere in the ACT for the purpose of reducing the risk of bushfire or the spread of bushfire.

33 New section 85

in division 5.4.1, insert

85 Meaning of *relevant chief officer*—div 5.4.1

In this division:

relevant chief officer means—

- (a) in relation to premises in a built-up area—the chief officer (fire and rescue service); and
- (b) in relation to premises in a rural area—the chief officer (fire and rescue service) or the chief officer (rural fire service).

34 Sections 86 and 87 (1) (a)

omit

chief officer (fire and rescue)

substitute

relevant chief officer

**35 Improvement notices
Section 87 (2)**

omit

chief officer (fire and rescue) may, on the chief officer's initiative

substitute

relevant chief officer may, on the relevant chief officer's initiative

**36 Ending of notices for premises
Section 91 (3)**

omit

chief officer (fire and rescue)

substitute

relevant chief officer who gave the notice

37 Section 91 (4) and (5)

omit

chief officer (fire and rescue)

substitute

relevant chief officer

**38 Direction to provide fire appliance at premises
Section 92**

omit

chief officer (fire and rescue)

substitute

relevant chief officer

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

insert

(c) a bushfire management standard.

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

substitute

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

41 New section 116A

insert

116A Offence—high risk activity during total fire ban

- (1) A person commits an offence if—
 - (a) the person undertakes a high risk activity in the open air in an area; and
 - (b) a total fire ban is in force for the area.Maximum penalty: 100 penalty units, imprisonment for 1 year or both.
- (2) Strict liability applies to subsection (1) (b).
- (3) Subsection (1) does not apply to—
 - (a) a high risk activity undertaken for fire prevention by anyone acting under this Act; or
 - (b) a high risk activity undertaken in accordance with a permit issued under section 118; or
 - (c) a high risk activity prescribed by regulation as an exempt high risk activity and undertaken in accordance with a regulation.

(4) In this section:

high risk activity means the following:

- (a) welding;
- (b) grinding;
- (c) soldering;
- (d) gas cutting;
- (e) any other activity prescribed by regulation as a high risk activity.

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

omit

, or use fireworks,

substitute

, use fireworks, or undertake a high risk activity,

43 New section 118 (7)

insert

(7) In this section:

high risk activity—see section 116A (4).

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

substitute

(2) The following must be appointed under subsection (1):

- (a) a person to represent the interests of rural lessees;

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

45 Section 129 (4), note

omit

46 New section 129 (5) to (7)

after the note, insert

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

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

insert

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

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

omit

49 New section 190 (4A)

insert

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

50 Section 190 (5)

omit

Subsection (4) does not apply

substitute

Subsection (4) also does not apply

51 New section 195A

insert

195A Establishment of ambulance service quality assurance committee

- (1) The ambulance quality assurance committee is established.
- (2) Schedule 1A has effect in relation to the committee.

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

before the note, insert

- (f) a person who—
- (i) is, or has been, a member of the ambulance service quality assurance committee; or
 - (ii) acted under the direction of a person who is, or was at the time, a member of the ambulance service quality assurance committee.

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

omit

within 3 months after the day the review is started.

substitute

as soon as practicable after the review is completed.

54 New schedule 1A

insert

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

1A.1 Definitions—sch 1A

In this schedule:

committee means the ambulance service quality assurance committee.

information holder means a person who—

- (a) is or has been a member of the committee; or
- (b) exercises or has exercised a function under this schedule; or
- (c) is or has been engaged in the administration of this schedule; or
- (d) has been given information under this Act by a person mentioned in paragraphs (a), (b) or (c).

protected information—

- (a) means information about a person that is disclosed to, or obtained by, an information holder because of the exercise of a function under this Act by the information holder or someone else; and
- (b) includes sensitive information.

sensitive information means information that—

- (a) identifies a person who—
 - (i) has received an ambulance service; or
 - (ii) is exercising a function in relation to the ambulance service; or
 - (iii) has provided information to the committee in the course of the committee carrying out the committee's functions under this chapter; or
- (b) would allow the identity of a person mentioned in paragraph (a) to be worked out.

1A.2 Function of ASQAC

The committee has the following functions:

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

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

1A.3 Appointment of ASQAC members

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

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

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

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

- (2) An appointment must be for a term of not longer than 3 years.
(3) An appointment is a notifiable instrument.

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

1A.4 Disclosure of interest by ASQAC members etc

- (1) If a person who is a member of, or acting under the direction of, the committee has a material interest in an issue being considered, or about to be considered, by the committee, the person must disclose the nature of the interest at a committee meeting as soon as practicable after the relevant facts come to the person's knowledge.
- (2) The disclosure must be recorded in the committee's minutes and, unless the committee otherwise decides, the person must not—
- (a) be present when the committee considers the issue; or
 - (b) take part in a decision of the committee on the issue.
- (3) Any other person who also has a material interest in the issue must not be present when the committee is considering its decision under subsection (2).

(4) In this section:

associate, of a person, means—

- (a) the person's business partner; or
- (b) a close friend of the person; or
- (c) a family member of the person.

executive officer, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

indirect interest—without limiting the kinds of indirect interests a person may have, a person has an **indirect interest** in an issue if any of the following has an interest in the issue:

- (a) an associate of the person;
- (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;
- (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;
- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

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

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

1A.5 Procedure for ASQAC

In exercising its functions, the committee—

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

1A.6 Obtaining information

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

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

1A.7 Annual ASQAC report to Minister

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

1A.8 ASQAC may give information

- (1) The committee may give protected information to 1 or more of the following if the committee is satisfied that giving the information would be likely to facilitate the improvement of clinical services provided by the ambulance service in the ACT:
 - (a) the Coroner's Court;
 - (b) a health board;
 - (c) the Minister.
- (2) If the committee gives protected information to a health board under subsection (1), the committee must also give the information to the health services commissioner.
- (3) In this section:

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

1A.9 Admissibility of ASQAC evidence

- (1) The following are not admissible as evidence in a proceeding before a court:
 - (a) an oral statement made in a proceeding before the committee;
 - (b) a document given to the committee, but only to the extent that it was prepared only for the committee;
 - (c) a document prepared by the committee.
- (2) In this section:

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

1A.10 Offence—secrecy of protected information

- (1) An information holder commits an offence if—
 - (a) the information holder—
 - (i) makes a record of protected information about someone else; and
 - (ii) is reckless about whether the information is protected information about someone else; or
 - (b) the information holder—
 - (i) does something that divulges protected information about someone else; and
 - (ii) is reckless about whether—
 - (A) the information is protected information about someone else; and
 - (B) doing the thing would result in the information being divulged to another person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply to the making of a record or the divulging of information if the record is made or the information divulged—
 - (a) under this Act; or
 - (b) in the exercise of a function, as an information holder, under this Act.
- (3) This section does not apply to the making of a record or the divulging of information if—
 - (a) the protected information is not sensitive information; and

- (b) the record is made or the information divulged—
- (i) under another territory law; or
 - (ii) in the exercise of a function, as an information holder, under another territory law.
- (4) This section does not apply to the divulging of protected information about someone with the person's agreement.
- (5) An information holder must not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act.

Note A quality assurance committee may give protected information to the Coroner's Court (see s 1A.8).

- (6) In this section:

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

divulge includes communicate.

produce includes allow access to.

55 Dictionary, new definitions

insert

ambulance service quality assurance committee (or ***ASQAC***) means a committee established under section 195A.

ASQAC—see ***ambulance service quality assurance committee***.

56 Dictionary, definition of *chief officer (fire and rescue)*

omit

57 Dictionary, new definition of *chief officer (fire and rescue service)*

insert

chief officer (fire and rescue service)—see section 29.

58 Dictionary, definition of *city area*

omit

59 Dictionary, new definition of *committee*

insert

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

60 Dictionary, definition of *fire and rescue*

omit

61 Dictionary, new definitions

insert

fire and rescue service means the ACT Fire and Rescue Service established under section 43.

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

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

relevant chief officer, for division 5.4.1 (Notices and directions for premises)—see section 85.

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

62 Further amendments, mentions of *fire and rescue*

omit

fire and rescue

substitute

the fire and rescue service

in

- section 3 (c)
- section 29 (1) (1st mention)
- section 29 (3) (a) and (b)
- section 52
- section 67 (5) (1st mention)
- section 67 (5) (a)
- section 67 (6) (1st mention)
- section 68
- section 69 (2)
- section 99 (2) (2nd mention)
- section 100 (2) (2nd mention)
- section 121 (1) (a)
- section 189 (1) (b)
- dictionary, definition of *emergency service*

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

omit

(fire and rescue)

substitute

(fire and rescue service)

in

- section 29 (1) and (3)
- section 30 (3) (c)
- section 38 (1), example
- sections 47 to 50
- section 64 (3), example 1
- section 65 (2)
- section 67
- section 69 (1)
- section 96 (3)
- section 99
- section 100
- section 142 (1) (d)
- section 188 (b)
- dictionary, definition of *chief officer*

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Building (General) Regulation 2008

[1.1] Section 7 (1), example 3

omit

fire and rescue

substitute

the fire and rescue service

[1.2] Section 35 (b)

omit

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

substitute

the emergency services commissioner

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

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—
(a) is not a class 1, class 10a or class 10b building; and
(b) has floor area larger than 500m ² | emergency services commissioner |

[1.4] Dictionary, note 2

insert

- emergency services commissioner

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

[1.5] Section 4 (3) (d)

omit

fire and rescue

substitute

fire and rescue service

[1.6] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

Part 1.3 Crimes Act 1900

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

substitute

(b) the fire and rescue service; or

[1.8] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

Part 1.4 Dangerous Substances Act 2004

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

substitute

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

[1.10] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

Part 1.5 Dangerous Substances (Explosives) Regulation 2004

[1.11] Dictionary, note 2

omit

- chief officer (fire and rescue)

substitute

- chief officer (fire and rescue service)

[1.12] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

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

substitute

- (a) the chief officer (fire and rescue service); or
- (b) any other member of the fire and rescue service; or

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

omit

(fire and rescue)

substitute

(fire and rescue service)

in

- section 22
- section 24 (1) (a)
- section 60
- section 134
- section 317 (2), definition of *police and fire authorities*, paragraph (b)

Part 1.6 Dangerous Substances (General) Regulation 2004

[1.15] Section 244 (1) (d)

substitute

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

[1.16] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

Part 1.7 Electricity Safety Act 1971

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

omit

fire and rescue

substitute

the fire and rescue service

Part 1.8 Emergencies Regulation 2004

[1.18] New section 2

insert

2 Dictionary

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

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

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

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

omit

[1.20] New section 5A

insert

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

Each of the following is an exempt high risk activity:

- (a) a high risk activity at a factory if—
 - (i) the activity is undertaken in a building or other structure;
and
 - (ii) reasonable steps have been taken to prevent the escape of fire or material that is likely to generate fire from the building or structure;

- (b) a high risk activity undertaken 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 commissioner has been given notice of the intention to undertake the activity; and
 - (ii) reasonable steps have been taken to prevent the escape of fire or material that is likely to generate fire from the place where the activity is undertaken.

[1.21] Section 8

substitute

8 Attendance by fire and rescue service members at public events

- (1) This section applies to public entertainment or a public meeting if the chief officer (fire and rescue service) 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 and rescue service is needed.
- (2) The chief officer (fire and rescue service) may direct 1 or more members of the fire and rescue service to attend all or part of the entertainment or meeting.

Note A fee may be determined under the [Act](#), s 201 for the attendance.

[1.22] New dictionary

insert

Dictionary

(see s 2)

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

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

- adult
- offence
- penalty unit (see s 133).

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

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

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

Part 1.9 Environment Protection Act 1997

[1.23] Section 6

substitute

6 Application of Act to Emergencies Act 2004

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

- (a) protecting life or property; or

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

(2) In this section:

relevant person means—

- (a) a member of the ambulance service; or
- (b) a member of the fire and rescue service; or
- (c) a member of the rural fire service; or
- (d) a member of the SES; or
- (e) any other person under the control of—
 - (i) the chief officer (ambulance service); or
 - (ii) the chief officer (fire and rescue service); or
 - (iii) the chief officer (rural fire service); or
 - (iv) the chief officer (SES); or
- (f) a police officer.

Part 1.10 **Environment Protection Regulation 2005**

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

omit

(fire and rescue)

substitute

(fire and rescue service)

[1.25] Schedule 1, table 1.2, item 7

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</i> Approval is defined in the dictionary.
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[1.26] Dictionary, note 2

omit

- chief officer (fire and rescue)

substitute

- chief officer (fire and rescue service)

[1.27] Dictionary, note 2

insert

- emergency services commissioner

Part 1.11 **Heritage Act 2004**

[1.28] Section 7

substitute

7 Application of Act to Emergencies Act 2004

- (1) This Act does not apply to the exercise or purported exercise by a relevant person of a function under the *Emergencies Act 2004* for the purpose of—
- (a) protecting life or property; or
 - (b) controlling, extinguishing or preventing the spread of a fire.
- (2) In this section:
- relevant person*** means—
- (a) a member of the ambulance service; or
 - (b) a member of the fire and rescue service; or
 - (c) a member of the rural fire service; or
 - (d) a member of the SES; or
 - (e) any other person under the control of—
 - (i) the chief officer (ambulance service); or
 - (ii) the chief officer (fire and rescue service); or
 - (iii) the chief officer (rural fire service); or
 - (iv) the chief officer (SES); or
 - (f) a police officer.

Part 1.12 Legislation Act 2001

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

omit

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

substitute

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

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

substitute

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

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

omit

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

substitute

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

Part 1.13 Liquor Act 2010

[1.34] Sections 85 to 87

omit

(fire and rescue)

substitute

(fire and rescue service)

[1.35] Dictionary, note 2

omit

- chief officer (fire and rescue)

substitute

- chief officer (fire and rescue service)

Part 1.14 Liquor Regulation 2010

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

substitute

(c) the fire and rescue service;

Part 1.15 Nature Conservation Act 2014

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

substitute

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

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

substitute

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

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

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

omit

fire and rescue

substitute

the fire and rescue service

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

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

omit

fire and rescue,

substitute

the fire and rescue service,

[1.41] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

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

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

omit

fire and rescue,

substitute

the fire and rescue service,

[1.43] Dictionary, note 2

omit

- fire and rescue

substitute

- fire and rescue service

**Part 1.19 Security Industry Regulation
2003**

[1.44] Section 6 (1) (d)

substitute

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

[1.45] Dictionary, note 2

omit

- chief officer (fire and rescue)

substitute

- chief officer (fire and rescue service)

**Part 1.20 Taxation Administration
Regulation 2004**

[1.46] Section 4

omit

chief officer (fire and rescue)

substitute

chief officer (fire and rescue service)

**Part 1.21 Territory Records Regulation
2009**

[1.47] Schedule 1, item 2, column 2

substitute

ACT Fire and Rescue Service

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

omit

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

insert

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

Part 1.22 Tree Protection Act 2005

[1.50] Section 19 (1) (f)

substitute

- (f) anything done in the exercise or purported exercise by a relevant person of a function under the *Emergencies Act 2004* for the purpose of—
- (i) protecting life or property; or
 - (ii) controlling, extinguishing or preventing the spread of a fire.

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

substitute

relevant person means—

- (a) a member of the ambulance service; or
- (b) a member of the fire and rescue service; or
- (c) a member of the rural fire service; or
- (d) a member of the SES; or
- (e) any other person under the control of—
 - (i) the chief officer (ambulance service); or
 - (ii) the chief officer (fire and rescue service); or

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

[1.52] Dictionary, note 2

omit

- chief officer (fire and rescue)

substitute

- chief officer (fire and rescue service)

Part 1.23 Water Resources Act 2007

[1.53] Section 28 (2) (d)

substitute

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

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

substitute

relevant person means—

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

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

Part 1.24 Work Health and Safety Act 2011

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

substitute

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

Part 1.25 Work Health and Safety Regulation 2011

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

substitute

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

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

substitute

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

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 20 June 2016.

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 2016, which was passed by the Legislative Assembly on 9 June 2016.

Clerk of the Legislative Assembly

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