



Australian Capital Territory

# Emergencies Amendment Act 2021

A2021-30

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 New part 1.1 heading	2
5 Objects of Act	
New section 3 (b) (iii)	2
6 New part 1.2	3
7 Section 10	3
8 Commissioner may make guidelines	
Section 11 (5)	4
9 Section 11 (8), definition of <i>senior rank</i>	4

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J2021-747

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## Contents

---

	Page	
10	Delegation by commissioner Section 12 (1)	4
11	New sections 13, 14 and 15	4
12	General powers of chief officers Section 34 (1) (o)	6
13	Delegations by chief officers Section 39	6
14	Rural fire brigades Section 54 (2)	6
15	Interpretation for ch 5 Part 5.1	7
16	Strategic bushfire management plan Section 72	7
17	Assessment of resources and capabilities Section 76 (2)	7
18	Review of strategic bushfire management plan Section 80 (1)	7
19	Offences about fire appliances Section 95 (3)	7
20	Section 95 (5)	8
21	Part 5.6 heading	8
22	Declaration of total fire ban Section 114 (2) and (3)	9
23	Publication of total fire ban Section 115 (1) (b) and note	9
24	Offence—lighting etc fire during total fire ban Section 116 (1) (a)	9
25	Section 116 (3) (c)	10
26	Offence—high risk activity during total fire ban Section 116A (3) (b)	10
27	Section 116A (4)	10
28	Fire permits Section 118	10
29	Bushfire season Section 119 (3)	10

## Contents

---

	Page	
30	Using fires and appliances for cooking etc in open air Section 122 (4)	11
31	Section 122 (4) (a)	11
32	Lighting fires for burning off Section 123 (3)	11
33	New section 123 (7)	11
34	Permits for div 5.6.2 Section 124	12
35	New division 5.6.3	12
36	Chapter 6	14
37	Functions of SEMSOG Section 143 (3) (b) and (c)	18
38	Section 149	19
39	Declaration of state of alert Section 151 (1) (a)	20
40	Publication of state of alert declaration New section 153 (1) (aa)	20
41	Declaration of state of emergency Section 156 (1)	21
42	Publication of declaration of state of emergency New section 158 (1) (aa)	21
43	New division 7.3.3	21
44	Cooperative arrangements with Commonwealth, State or overseas agencies Section 176 (1)	23
45	New sections 182A and 182B	23
46	Victimisation of volunteers Section 183 (1)	25
47	Interfering with fire appliance, hydrant, alarm etc Section 190 (1) and example and penalty	25
48	New section 190 (7)	25
49	Protection of officials from liability Section 198 (1), definition of <i>official</i> , new paragraph (aa)	26
50	Section 198 (4) (e)	26
51	New chapter 12	26

## Contents

---

		Page
52	Reviewable decisions Schedule 2, items 14 to 17	30
53	Dictionary, new definitions	30
54	Dictionary, definition of <i>built-up area</i>	30
55	Dictionary, definition of <i>bushfire council</i>	30
56	Dictionary, definition of <i>community communication and information plan</i>	30
57	Dictionary, new definitions	31
58	Dictionary, definition of <i>firework</i>	31
59	Dictionary, new definitions	31
60	Dictionary, definition of <i>rural area</i>	31
61	Dictionary, new definitions	32
<b>Schedule 1</b>	<b>Consequential amendments</b>	<b>33</b>
<b>Part 1.1</b>	<b>Dangerous Substances (Explosives) Regulation 2004</b>	<b>33</b>
<b>Part 1.2</b>	<b>Environment Protection Act 1997</b>	<b>33</b>
<b>Part 1.3</b>	<b>Environment Protection Regulation 2005</b>	<b>34</b>
<b>Part 1.4</b>	<b>Road Transport (Vehicle Registration) Regulation 2000</b>	<b>34</b>
<b>Part 1.5</b>	<b>Territory Records Regulation 2009</b>	<b>35</b>



Australian Capital Territory

# Emergencies Amendment Act 2021

A2021-30

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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:

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J2021-747

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Emergencies Amendment Act 2021*.

**2 Commencement**

This Act commences on the day after its notification day.

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

**3 Legislation amended**

This Act amends the *Emergencies Act 2004*.

*Note* This Act also amends the following legislation (see sch 1):

- *Dangerous Substances (Explosives) Regulation 2004*
- *Environment Protection Act 1997*
- *Environment Protection Regulation 2005*
- *Road Transport (Vehicle Registration) Regulation 2000*
- *Territory Records Regulation 2009*.

**4 New part 1.1 heading**

*insert*

**Part 1.1 Preliminary**

**5 Objects of Act  
New section 3 (b) (iii)**

*insert*

- (iii) develops community resilience to emergencies; and

**6 New part 1.2**

*insert*

**Part 1.2 Area concepts**

**6A Meaning of *built-up area***

- (1) For this Act, a ***built-up area*** is an area declared by the commissioner to be a built-up area.
- (2) Before making a declaration, the commissioner must consult with—
  - (a) the chief officer (fire and rescue service); and
  - (b) the chief officer (rural fire service).
- (3) A declaration is a notifiable instrument.

*Note* The fire and rescue service is responsible for fire response in built-up areas.

**6B Meaning of *rural area***

For this Act, a ***rural area*** is an area not within a built-up area.

*Note 1* The rural fire service is responsible for fire response in rural areas.

*Note 2* Certain offences apply to owners of land in rural areas (see div 5.6.2 (Controlled activities and offences relating to fire)).

**7 Section 10**

*substitute*

**10 Asking advisory council's advice**

- (1) The commissioner must ask for, and consider, the advisory council's advice before exercising a function, prescribed by regulation, relating to natural hazards.

- (2) The commissioner may ask for the advisory council's advice in relation to the exercise of any other function relating to natural hazards.

**8 Commissioner may make guidelines  
Section 11 (5)**

*omit*

**9 Section 11 (8), definition of *senior rank***

*omit*

**10 Delegation by commissioner  
Section 12 (1)**

*after*

a member of an emergency service

*insert*

, a police officer

**11 New sections 13, 14 and 15**

*in chapter 2, insert*

**13 Assistant emergency services commissioners**

- (1) The director-general may appoint 1 or more public servants to be an Assistant ACT Emergency Services Commissioner (an *assistant commissioner*).

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) However, the director-general may appoint a person under subsection (1) only if the person has the management, professional and technical expertise to exercise the assistant commissioner's functions.



**14 Assistant commissioners' functions**

- (1) An assistant commissioner's function is to support the commissioner in the exercise of the commissioner's functions.
  - (2) An assistant commissioner must not exercise the assistant commissioner's function in a way that—
    - (a) is inconsistent with the commissioner's exercise, or proposed exercise, of a function under this Act or any other territory law; or
    - (b) may unreasonably restrict or undermine the commissioner's exercise of a function under this Act or any other territory law; or
    - (c) is inconsistent with the commissioner's guidelines.
  - (3) An assistant commissioner must comply with any direction from the commissioner about the exercise of the assistant commissioner's functions.
  - (4) If the commissioner is unavailable or, for any other reason, unable to perform the functions of commissioner, the acting commissioner is—
    - (a) if there is only 1 assistant commissioner at the time the commissioner is unavailable or unable to perform the functions—the assistant commissioner; or
    - (b) if there is more than 1 assistant commissioner at the time—the assistant commissioner nominated, by the commissioner, to be the acting commissioner.
- Note* A person acting in a position under a standing acting arrangement has all the functions (including authorities, duties and powers) of the occupant of the position (in this case, the commissioner)—see the [Legislation Act](#), s 225B.
- (5) An assistant commissioner has any other function prescribed under this Act or another territory law.

**15 Delegation by assistant commissioners**

An assistant commissioner may delegate the assistant commissioner's functions under this Act or another territory law to a public servant, a member of an emergency service, a police officer or an emergency services support volunteer.

*Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

**12 General powers of chief officers  
Section 34 (1) (o)**

*substitute*

- (o) require a person to give reasonable assistance to—
  - (i) a member of an emergency service; or
  - (ii) a person acting on behalf of a member of an emergency service; or
  - (iii) a police officer.

**13 Delegations by chief officers  
Section 39**

*omit*

or a member of an emergency service

*substitute*

, a member of an emergency service or a police officer

**14 Rural fire brigades  
Section 54 (2)**

*substitute*

- (2) The chief officer (rural fire service) must determine the number of rural fire brigades for the rural fire service.

**15 Interpretation for ch 5  
Part 5.1**

*omit*

**16 Strategic bushfire management plan  
Section 72**

*omit*

bushfire council

*substitute*

advisory council

**17 Assessment of resources and capabilities  
Section 76 (2)**

*omit*

bushfire council

*substitute*

advisory council

**18 Review of strategic bushfire management plan  
Section 80 (1)**

*omit*

bushfire council

*substitute*

advisory council

**19 Offences about fire appliances  
Section 95 (3)**

*omit*

**20 Section 95 (5)**

*omit*

or (3)

**21 Part 5.6 heading**

*substitute*

**Part 5.6 Total fire ban, controlled activities, related offences and fire permits**

**Division 5.6.1A Definitions—pt 5.6**

**113A Definitions—pt 5.6**

In this part:

*fire permit*—see section 126A.

*firework* means a firework within the meaning of the *Dangerous Substances (Explosives) Regulation 2004*, dictionary other than a general use firework within the meaning of that regulation, section 259.

*high risk activity* means any of the following:

- (a) welding;
- (b) grinding;
- (c) soldering;
- (d) gas cutting;
- (e) conduct prescribed by regulation.

*total fire ban*—see section 114 (2).

**22 Declaration of total fire ban  
Section 114 (2) and (3)**

*substitute*

- (2) The commissioner may, in writing, declare a ban (a *total fire ban*).
- (3) A declaration—
  - (a) must state the period the total fire ban is in force; and
  - (b) may apply to all or part of the ACT.

**23 Publication of total fire ban  
Section 115 (1) (b) and note**

*substitute*

- (b) posted using social media; and
- (c) notified under the [Legislation Act](#) as if it were a notifiable instrument.

**24 Offence—lighting etc fire during total fire ban  
Section 116 (1) (a)**

*omit*

fireworks

*substitute*

a firework

**25 Section 116 (3) (c)**

*substitute*

(c) the lighting, maintenance or use of a fire, or the use of a firework, in accordance with a fire permit; or

**26 Offence—high risk activity during total fire ban  
Section 116A (3) (b)**

*omit*

permit issued under section 118

*substitute*

fire permit

**27 Section 116A (4)**

*omit*

**28 Fire permits  
Section 118**

*omit*

**29 Bushfire season  
Section 119 (3)**

*omit*

bushfire council

*substitute*

advisory council

**30 Using fires and appliances for cooking etc in open air  
Section 122 (4)**

*omit*

land in a rural area to cook food or heat liquids if—

*substitute*

land to cook food or heat liquids, other than in the fireplaces provided by the Territory or Commonwealth, if—

**31 Section 122 (4) (a)**

*omit*

permit given by the commissioner under section 124

*substitute*

fire permit

**32 Lighting fires for burning off  
Section 123 (3)**

*omit*

written permit given by the commissioner under section 124

*substitute*

fire permit

**33 New section 123 (7)**

*insert*

- (7) In this section, a reference to the *owner of land* includes a reference to a person who acts for, or with the consent of, the owner of the land.

**34 Permits for div 5.6.2  
Section 124**

*omit*

**35 New division 5.6.3**

*insert*

**Division 5.6.3 Fire permits**

**126A Commissioner may issue fire permit**

- (1) The commissioner may, at any time, issue a written permit (a *fire permit*) authorising a person to carry out any of the following (a *proposed activity*) for a period:
  - (a) light, maintain or use a fire;
  - (b) use a firework;
  - (c) undertake a high risk activity.
- (2) An application for a fire permit must state—
  - (a) the location of the proposed activity; and
  - (b) the nature of the proposed activity; and
  - (c) the date and time of the proposed activity; and
  - (d) the safety precautions to be undertaken in relation to the proposed activity.
- (3) In deciding whether to issue a fire permit, the commissioner—
  - (a) must consider—
    - (i) the matters stated in the application; and
    - (ii) the weather conditions forecast for the time of the proposed activity; and



- (iii) the availability of the Territory's firefighting resources for the time of the proposed activity; and
- (b) may consider any other relevant matter.
- (4) A fire permit must—
  - (a) state the following:
    - (i) the person to whom the permit is issued;
    - (ii) the day the permit comes into force and the day it expires;
    - (iii) whether or not the permit remains in force when a total fire ban is also in force;
    - (iv) the conditions (if any) on the permit; and
  - (b) include any other information prescribed by regulation.

#### **126B Operation of fire permit**

- (1) A fire permit issued to a person does not affect the person's—
  - (a) duties under the *Environment Protection Act 1997*, section 22 (General environmental duty); or
  - (b) obligation to hold an authorisation under that Act, section 42 (Conducting prescribed classes of activities); or
  - (c) other obligations, if any, under that Act.
- (2) A fire permit is subject to the conditions (if any) stated in the permit.
- (3) A fire permit that does not state that it remains in force during a total fire ban is suspended for the period a total fire ban is in force, unless the total fire ban is declared not to apply to a part of the ACT where the activity authorised by the fire permit is carried out.

**36 Chapter 6**

*substitute*

## **Chapter 6 Multi-hazard advisory council**

### **127 Establishment of multi-hazard advisory council**

The ACT Multi-Hazard Advisory Council is established.

### **128 Constitution of advisory council**

- (1) The advisory council consists of—
  - (a) a chairperson; and
  - (b) a deputy chairperson; and
  - (c) at least 3, but not more than 10, other members.
- (2) The deputy chairperson acts in the position of chairperson—
  - (a) during all vacancies in the position; and
  - (b) during all periods when the chairperson cannot for any reason exercise the functions of the position.

### **129 Advisory council members**

- (1) The Minister must appoint the advisory council members.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.
- (2) The Minister may appoint a person as a member only if the Minister considers the person has the appropriate qualifications or experience to assist the council to exercise its functions.

- (3) The following must not be appointed under subsection (1):
  - (a) the commissioner;
  - (b) an assistant commissioner;
  - (c) the chief officer of an emergency service.
- (4) A person must not be appointed for a term that is longer than 4 years.
- (5) A person must not be appointed for more than 2 consecutive terms.

### **130 Functions of advisory council**

- (1) The advisory council has the following functions:
  - (a) advising the Minister about matters relating to natural hazards;
  - (b) if the commissioner asks for the council's advice before exercising a function relating to natural hazards—advising the commissioner about the exercise of the function;

*Note* The commissioner must ask for the advisory council's advice before exercising certain functions (see s 10).
  - (c) any other function—
    - (i) given to the council under this Act or another territory law; or
    - (ii) prescribed by regulation.

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196).

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

### **131 Director-general to give support to advisory council**

The director-general must provide administrative support and facilities for the advisory council.

### **132 Ending of advisory council members' appointments**

The Minister may end the appointment of an advisory council member—

- (a) for misbehaviour; or
- (b) for physical or mental incapacity, if the incapacity affects the exercise of the member's functions; or
- (c) if the member—
  - (i) becomes bankrupt or personally insolvent; or
  - (ii) is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the advisory council; or
  - (iii) contravenes section 134 (Disclosure of interests by advisory council members) without reasonable excuse; or
  - (iv) commits, in Australia or elsewhere, an offence punishable by imprisonment for at least 1 year; or
- (d) if the Minister is satisfied that the member's ability to function as a member is affected by an interest disclosed under section 134.

### **133 Advisory council terms of reference and procedures**

- (1) The Minister may, on the Minister's own initiative or in consultation with the advisory council, determine the terms of reference and the procedures for the council.
- (2) A determination under subsection (1) is a notifiable instrument.
- (3) If the Minister has not made a determination about the council's procedures, the council may decide its own procedures in relation to anything for which a procedure is not provided under this Act.

**134 Disclosure of interests by advisory council members**

- (1) An advisory council member who has a relevant interest in an issue being considered, or about to be considered, by the council must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the council.
- (2) The disclosure must be recorded in the advisory council's minutes and, unless the council otherwise decides, the member must not—
  - (a) be present when the council considers the issue; or
  - (b) take part in a decision of the council on the issue.
- (3) Any other advisory council member who also has a relevant interest in the issue must not—
  - (a) be present when the council is considering its decision under subsection (2); or
  - (b) take part in the decision.
- (4) In this section:  
*relevant interest*, in an issue, means—
  - (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 advisory council member's functions in relation to the council's consideration of the issue.

**135 Reporting of disclosed interests to Minister**

- (1) Within 14 days after the disclosure of an interest under section 134 (1), the advisory council chairperson must report to the Minister in writing about—
  - (a) the disclosure; and

- (b) the nature of the interest disclosed; and
  - (c) any decision by the council under section 134 (2).
- (2) The advisory council chairperson must give the Minister, by 31 July each year, a statement that sets out the information given to the Minister in reports under subsection (1) that relate to disclosures made during the previous financial year.
- (3) The Minister must give a copy of the statement to the relevant committee of the Legislative Assembly within 14 days after the day the Minister receives the statement.
- (4) In this section:
- relevant committee* means—
- (a) a standing committee of the Legislative Assembly nominated by the Speaker for subsection (3); or
  - (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for public accounts.

**37**      **Functions of SEMSOG**  
**Section 143 (3) (b) and (c)**

*substitute*

- (b) to support the commissioner and the chief police officer in security and emergency management;
- (c) to support the preparation of—
  - (i) the emergency plan or any part of the plan; and
  - (ii) an emergency sub-plan; and
  - (iii) a community communication and information plan;

**38 Section 149**

*substitute*

**149 Community communication and information plan**

- (1) The Minister must make a plan (a ***community communication and information plan***) for communicating information to the community during an emergency.
- (2) The community communication and information plan must include—
  - (a) provisions about when and how reports must be given to the community, and the kinds of reports that must be given; and

**Examples**

- incident reports
- situation reports

- (b) provisions to ensure—
  - (i) that arrangements are made with a number of media organisations to establish adequate and reliable communications; and
  - (ii) that the media has appropriate training.

**Example**

involving the media in regular emergency exercises

**149A Preparation of community communication and information plan**

- (1) The commissioner must prepare, and give the Minister, a draft community communication and information plan for communicating information to the community during an emergency.
- (2) In preparing the draft plan the commissioner must consult the SEMSOG.
- (3) After considering the draft plan, the Minister must, in writing, make a community communication and information plan for the ACT.

**149B Communicating information about emergencies**

The commissioner must ensure that information about emergencies is given to the community in accordance with the community communication and information plan.

**39 Declaration of state of alert  
Section 151 (1) (a)**

*substitute*

- (a) the Minister is satisfied that—
  - (i) an emergency is likely to happen; and
  - (ii) the nature of the emergency calls for an urgent, significant and coordinated response to minimise or manage a substantial risk to—
    - (A) the safety of people, animals or property; or
    - (B) the preservation of the environment; or
    - (C) the provision of essential services; and

**40 Publication of state of alert declaration  
New section 153 (1) (aa)**

*insert*

- (aa) posted using social media; and



**41 Declaration of state of emergency  
Section 156 (1)**

*substitute*

- (1) This section applies if the Chief Minister is satisfied that—
- (a) an emergency has happened, is happening or is likely to happen; and
  - (b) the nature of the emergency calls for an urgent, significant and coordinated response to minimise or manage a substantial risk to—
    - (i) the safety of people, animals or property; or
    - (ii) the preservation of the environment; or
    - (iii) the provision of essential services.

**42 Publication of declaration of state of emergency  
New section 158 (1) (aa)**

*insert*

- (aa) posted using social media; and

**43 New division 7.3.3**

*insert*

**Division 7.3.3 Recovery coordinator**

**174A Meaning of *territory agency*—div 7.3.3**

In this division:

*territory agency* means—

- (a) an administrative unit; or
- (b) a territory-owned corporation; or

- (c) a statutory office-holder; or
- (d) an entity prescribed by regulation for this definition.

#### **174B Appointment of recovery coordinator**

- (1) This section applies if the Minister is satisfied that—
  - (a) an emergency has happened, is happening or is likely to happen; and
  - (b) the scale or nature of the emergency requires, or is likely to require, a recovery operation involving different territory agencies.
- (2) The Minister may appoint a person to coordinate the recovery operation for the emergency (the *recovery coordinator*).
- (3) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly consultation) does not apply to an appointment under this section.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (4) The Minister may be satisfied that an emergency is likely to happen if the Minister is satisfied that an event that has happened or is happening, or a circumstance that exists, gives rise to the likelihood of an emergency.

#### **174C Functions of recovery coordinator**

- (1) The recovery coordinator has the following functions in relation to a recovery operation:
  - (a) to coordinate recovery activities being carried out by territory agencies, private entities and members of the community;
  - (b) to coordinate the provision of essential services to communities affected, or likely to be affected, by an emergency;
  - (c) to report to the Minister and the SEMSOG about any matter relating to a recovery operation;

- (d) any other function given to the recovery coordinator by this Act or another territory law.
- (2) As far as practicable, the recovery coordinator's functions must be exercised in accordance with any part of the emergency plan, or an emergency sub-plan, that deals with recovery operations.

**44 Cooperative arrangements with Commonwealth, State or overseas agencies  
Section 176 (1)**

*after*

Minister

*insert*

or the commissioner

**45 New sections 182A and 182B**

*in chapter 8, insert*

**182A Definitions—ch 8**

In this chapter:

***emergency operation*** means an operation carried out by an emergency service in response to an emergency.

***emergency operation notice***—see section 182B.

**182B Emergency operation notice**

- (1) This section applies if—
- (a) the Minister is satisfied that an emergency has happened, is happening or is likely to happen in the ACT; and
- (b) neither a state of alert nor a state of emergency have been declared for the emergency; and

- (c) the Minister is satisfied that the emergency requires an emergency operation.
- (2) The Minister must, as soon as practicable, prepare a written notice (an ***emergency operation notice***) setting out the following:
- (a) that an emergency operation has started;
  - (b) when and where the emergency operation started;
  - (c) the nature of the emergency;
  - (d) if the Minister knows when the emergency operation will end—the day on which the operation ends;
  - (e) any other information prescribed by regulation.
- (3) As soon as practicable after issuing the notice, the Minister must ensure the notice is—
- (a) broadcast in the ACT by television or radio; and
  - (b) posted using social media; and
  - (c) notified under the [Legislation Act](#) as if it were a notifiable instrument.
- (4) The notice ends—
- (a) at the end of the day on which the emergency operation is stated to end in the notice; or
  - (b) if no end day is stated in the notice—the end of the day on which the notice is revoked.
- (5) A failure to comply with subsection (3) does not affect the validity of the notice.
- (6) For subsection (1), the Minister may be satisfied that an emergency is likely to happen if the Minister is satisfied that an event that has happened or is happening, or a circumstance that exists, gives rise to the likelihood of an emergency.

**46**      **Victimisation of volunteers**  
**Section 183 (1)**

*substitute*

- (1) This section applies if a volunteer is absent from the volunteer's employment to take part in an emergency operation during—
- (a) an emergency for which an emergency operation notice has been issued; or
  - (b) a declared state of alert; or
  - (c) a declared state of emergency.

**47**      **Interfering with fire appliance, hydrant, alarm etc**  
**Section 190 (1) and example and penalty**

*substitute*

- (1) A person commits an offence if the person does something to, or near, a fire appliance or a fire appliance container that—
- (a) prevents or hinders the effective use of the appliance or container; or
  - (b) damages the appliance or container.

Maximum penalty: 50 penalty units.

**48**      **New section 190 (7)**

*insert*

- (7) In this section:

***fire appliance container*** means a container used for housing or storing fire appliances.

**49 Protection of officials from liability  
Section 198 (1), definition of *official*, new paragraph (aa)**

*insert*

(aa) an assistant commissioner; or

**50 Section 198 (4) (e)**

*substitute*

(e) giving reasonable assistance as required by a chief officer under section 34 (1) (o) (General powers of chief officers); or

**51 New chapter 12**

*insert*

## **Chapter 12 Transitional—Emergencies Amendment Act 2021**

**218 Definitions—ch 12**

In this chapter:

*bushfire council* means the ACT Bushfire Council established under section 127 as in force immediately before the commencement day.

*commencement day* means the day the *Emergencies Amendment Act 2021*, section 3 commences.

*old permit* means a permit under the pre-amendment Act, section 118 (Fire permits) or section 124 (Permits for division 5.6.2).

*pre-amendment Act* means this Act, as in force immediately before the commencement day.

**219 Declaration of built-up area**

A declaration of a built-up area under the pre-amendment Act, section 65 is, on the commencement day, taken to be a declaration under section 6A.

**220 Old permit taken to be fire permit**

- (1) This section applies to an old permit that is in force immediately before the commencement day.
- (2) The old permit is, on the commencement day, taken to be a fire permit and continues in force—
  - (a) in the same terms as the old permit; and
  - (b) subject to the same conditions, if any, as the old permit.
- (3) The fire permit is taken to end—
  - (a) on the end day stated in the old permit; or
  - (b) if no end day is stated in the old permit—3 months after the commencement day.
- (4) The fire permit must not be amended, transferred or renewed.

**221 Application for old permit not decided**

- (1) This section applies if—
  - (a) before the commencement day, a person applies for an old permit; and
  - (b) immediately before the commencement day, the commissioner has not decided whether to issue the permit.
- (2) The application is, on the commencement day, taken to be an application for a fire permit.

## **222 Bushfire council members**

- (1) The appointment of a person as a member of the bushfire council under the pre-amendment Act, section 129 (Bushfire council members), that is in force immediately before the commencement day is, on the commencement day, taken to be an appointment of the person as a member of the advisory council under section 129 (Advisory council members) and continues in force until the end of the term of the appointment under the pre-amendment Act unless ended earlier.
- (2) The appointment of a person as chairperson or deputy chairperson of the bushfire council under the pre-amendment Act, section 129, that is in force immediately before the commencement day is, on the commencement day, taken to be an appointment of the person as chairperson or deputy chairperson of the advisory council under section 129 and continues in force until the end of the term of the appointment under the pre-amendment Act unless ended earlier.

## **223 Bushfire council functions**

- (1) This section applies if, immediately before the commencement day—
  - (a) the bushfire council did not carry out or complete a function required under a provision of the pre-amendment Act or any other territory law; or
  - (b) a person did not carry out or complete a function, in relation to the bushfire council, required under a provision of the pre-amendment Act or any other territory law.
- (2) The provision of the pre-amendment Act or the other territory law as in force immediately before the commencement day continue to apply to the carrying out or completion of the function, and the advisory council is taken to be the bushfire council for the purpose of the provision and any matter relating to the performance of the function.



**224 Bushfire council disclosures, reporting etc**

- (1) A disclosure of an interest to the bushfire council under the pre-amendment Act, section 139 (Disclosure of interests by bushfire council members) is, on the commencement day, taken to be a disclosure of an interest to the advisory council under section 134.
- (2) A requirement to report information or give a statement under the pre-amendment Act, section 140 (Reporting of disclosed interests to Minister) that has not been done before the commencement day is, on the commencement day, taken to be a requirement to report the information or give the statement under section 135.

**225 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Emergencies Amendment Act 2021*.
- (2) A regulation may modify this chapter (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this chapter.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

*Note* A transitional provision under s (1) continues to have effect after its repeal, however, a modification under s (2) has no ongoing effect after its repeal (see [Legislation Act](#), s 88).

**226 Expiry—ch 12**

- (1) This chapter expires 12 months after the day it commences.
- (2) This chapter is a law to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.

**52 Reviewable decisions  
Schedule 2, items 14 to 17**

*substitute*

14	126A	refuse to issue permit	applicant for permit
15	126A (4) (a) (iv)	issue permit subject to condition	applicant for permit

**53 Dictionary, new definitions**

*insert*

***advisory council*** means the ACT Multi-Hazard Advisory Council established under section 127.

***assistant commissioner***—see section 13.

**54 Dictionary, definition of *built-up area***

*substitute*

***built-up area***—see section 6A.

**55 Dictionary, definition of *bushfire council***

*omit*

**56 Dictionary, definition of *community communication and information plan***

*substitute*

***community communication and information plan***—see section 149 (1).

**57 Dictionary, new definitions**

*insert*

***emergency operation***, for chapter 8 (Volunteers)—see section 182A.

***emergency operation notice***, for chapter 8 (Volunteers)—see section 182B.

***fire permit***, for part 5.6 (Total fire ban, controlled activities, related offences and fire permits)—see section 126A.

**58 Dictionary, definition of *firework***

*substitute*

***firework***, for part 5.6 (Total fire ban, controlled activities, related offences and fire permits)—see section 113A.

**59 Dictionary, new definitions**

***high risk activity***, for part 5.6 (Total fire ban, controlled activities, related offences and fire permits)—see section 113A.

***recovery coordinator***—see section 174B (2).

***recovery operation*** means an operation for the purposes of recovering, or preparing to recover, from an emergency.

**60 Dictionary, definition of *rural area***

*substitute*

***rural area***—see section 6B.

**61 Dictionary, new definitions**

*insert*

***territory agency***, for division 7.3.3 (Recovery coordinator)—see section 174A.

***total fire ban***, for part 5.6 (Total fire ban, controlled activities, related offences and fire permits)—see section 114 (2).

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1                      Dangerous Substances (Explosives) Regulation 2004**

#### **[1.1]      Section 22 (5)**

*substitute*

(5) In this section:

*built-up area*—see the *Emergencies Act 2004*, section 6A.

*rural area*—see the *Emergencies Act 2004*, section 6B.

### **Part 1.2                      Environment Protection Act 1997**

#### **[1.2]      Schedule 1, table 1.2, item 28, note**

*substitute*

*Note*      The *Emergencies Act 2004* contains an offence about lighting etc fire during a total fire ban (see that [Act](#), s 116). That Act may also require the owner of land to obtain oral approval or a permit before lighting etc a fire on the land (see that [Act](#), s 123 and s 126A).

## Part 1.3 Environment Protection Regulation 2005

### [1.3] Section 3, note 1

*substitute*

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*built-up area*—see the [Emergencies Act 2004](#), section 6A.’ means that the term ‘built-up area’ is defined in that section and the definition applies to this regulation.

### [1.4] Dictionary, definition of *built-up area*

*substitute*

*built-up area*—see the [Emergencies Act 2004](#), section 6A.

## Part 1.4 Road Transport (Vehicle Registration) Regulation 2000

### [1.5] Section 17 (2), definition of *rural area*

*substitute*

*rural area*—see the [Emergencies Act 2004](#), section 6B.

## **Part 1.5**

# **Territory Records Regulation 2009**

### **[1.6] Schedule 1, item 6, column 2**

*omit*

ACT Bushfire Council

*substitute*

ACT Multi-Hazard Advisory Council

### **[1.7] Dictionary, definition of *ACT Bushfire Council***

*omit*

### **[1.8] Dictionary, new definition of *ACT Multi-Hazard Advisory Council***

*insert*

*ACT Multi-Hazard Advisory Council* means the ACT Multi-Hazard Advisory Council established under the [Emergencies Act 2004](#), section 127.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 9 November 2021.

**2 Notification**

Notified under the [Legislation Act](#) on 10 December 2021.

**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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I certify that the above is a true copy of the Emergencies Amendment Bill 2021, which was passed by the Legislative Assembly on 30 November 2021.

Clerk of the Legislative Assembly

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