

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Police and Emergency Services)

## Emergencies Amendment Bill 2014

### Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Objects of Act Section 3 (d)	2
5 Commissioner's functions Section 8 (1) and notes	3
6 Section 8 (4) (e)	3
7 Section 8 (4) (j), except examples and note	4
8 Section 8 (4) (j), note	4
9 Directions by commissioner in relation to emergencies Section 8A (2) and (3)	4

## Contents

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	Page
10 General powers of chief officers New section 34 (1) (la) and (lb)	4
11 Strategic bushfire management plan Section 72 (2)	5
12 New section 72 (4A)	5
13 Content of strategic bushfire management plan Section 74 (2) (f)	6
14 Section 77 heading	6
15 Section 77 (3)	6
16 New section 77A	6
17 Bushfire operational plans Section 78 (1) (b) (iii)	7
18 Section 78 (5)	7
19 Emergency powers—no declared state of emergency New section 150C (2) (ca)	7
20 Section 150C (2) (g)	7
21 Emergency powers—declared state of emergency New section 160A (2) (ca)	8
22 Section 160A (2) (g)	8
23 Failure to comply with direction given under emergency powers Section 164 (1)	9
24 Magistrates Court (Litter Infringement Notices) Regulation 2004 Schedule 1, new item 1.1A	10

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## Emergencies Amendment Bill 2014

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### A Bill for

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

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

**1 Name of Act**

This Act is the *Emergencies Amendment Act 2014*.

**2 Commencement**

This Act commences on the day after its notification day.

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

**3 Legislation amended**

This Act amends the [Emergencies Act 2004](#).

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

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

*after*

volunteer members

*insert*

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

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

*substitute*

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

### Examples—operational and administrative support

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

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

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

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

## 6 Section 8 (4) (e)

*substitute*

- (e) recognise the importance to the services and the community of—

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

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

*substitute*

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

**8 Section 8 (4) (j), note**

*omit*

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

*substitute*

- (2) For the effective coordination of the emergency, the commissioner may direct a chief officer to undertake response or recovery operations.

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

*insert*

- (la) close any premises; or

**Examples—premises**

- government or independent schools
- child care centres
- business premises
- health care facilities
- residential homes

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

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

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

## **11 Strategic bushfire management plan**

### **Section 72 (2)**

*substitute*

- (2) In preparing the draft plan, the commissioner must—

(a) consult with the bushfire council; and

(b) consult with the conservator; and

(c) consider the impact of the plan on any—

(i) land management agreement; or

(ii) land manager; or

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

- (2A) The commissioner must—

(a) prepare a written report setting out the commissioner's response to any matters raised by the conservator, in writing, during consultation on the draft plan; and

(b) give the report to the Minister with the draft plan.

## **12 New section 72 (4A)**

*insert*

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

- 1 **13** **Content of strategic bushfire management plan**  
2 **Section 74 (2) (f)**
- 3 *substitute*
- 4 (f) a statement about how information is kept about  
5 privately-owned assets of public interest vulnerable to  
6 bushfire;
- 7 **14** **Section 77 heading**
- 8 *substitute*
- 9 **77** **Compliance with strategic bushfire management plan**
- 10 **15** **Section 77 (3)**
- 11 *omit*
- 12 **16** **New section 77A**
- 13 *insert*
- 14 **77A** **Inconsistency between strategic bushfire management**  
15 **plan and plan of management for public land**
- 16 (1) This section applies if the strategic bushfire management plan is  
17 inconsistent with a plan of management in force in relation to an  
18 area of unleased territory land or land occupied by the Territory.
- 19 (2) The plan of management has no effect to the extent of the  
20 inconsistency.
- 21 (3) In this section:
- 22 *plan of management* means a plan of management under the  
23 *Planning and Development Act 2007*, part 10.4 (Plans of  
24 management for public land).



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

*omit*

**18 Section 78 (5)**

*substitute*

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

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

*insert*

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

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

**20 Section 150C (2) (g)**

*substitute*

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

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

2 **Examples—essential services**

- 3 • water
- 4 • electricity
- 5 • gas
- 6 • fuel
- 7 • food
- 8 • health
- 9 • waste disposal
- 10 • sanitation
- 11 • freight
- 12 • public transport
- 13 • correctional facilities

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

17 **21 Emergency powers—declared state of emergency**  
18 **New section 160A (2) (ca)**

19 *insert*

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

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

24 **22 Section 160A (2) (g)**

25 *substitute*

26 (g) in relation to essential services—

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

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

**Examples—essential services**

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

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

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

*omit*

or (c)

*substitute*

, (c) or (ca)

1	<b>24</b>	<b>Magistrates Court (Litter Infringement Notices)</b>		
2		<b>Regulation 2004</b>		
3		<b>Schedule 1, new item 1.1A</b>		
4		<i>insert</i>		
	1.1A	<ul style="list-style-type: none"><li>• if the litter is a cigarette, cigarette butt, match or other item that is lit or not fully extinguished</li></ul>	10	300

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## Endnotes

**1      Presentation speech**

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

**2      Notification**

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

**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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