2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Police and Emergency Services)

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(Minister for Police and Emergency Services)

Emergencies Amendment Bill 2018

A Bill for

An Act to amend the [Emergencies Act 2004](http://www.legislation.act.gov.au/a/2004-28%22%20%5Co%20%22A2004-28)

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

1 Name of Act

This Act is the *Emergencies Amendment Act 2018*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Emergencies Act 2004](http://www.legislation.act.gov.au/a/2004-28).

4 Constitution of SEMSOG
Section 142 (1) (a)

substitute

 (a) the director-general of each administrative unit; and

 (aa) the under treasurer; and

5 New section 142 (4)

insert

 (4) In this section:

under treasurer—see the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), dictionary.

6 Functions of SEMSOG
Section 143

before

emergency management

insert

security and

7 New section 143 (3) (ba)

insert

 (ba) to support the Minister in the preparation of an emergency sub‑plan;

8 Section 148

substitute

148 Emergency sub-plans

 (1) The Minister may make a plan for a hazard specific emergency for the ACT (an emergency sub-plan).

Examples—hazard specific emergency

 terrorist attack

 flood emergency

 storm emergency

 bushfire emergency

 urban fire emergency

 chemical or hazardous material incident

 disease or epidemic emergency

 (2) An emergency sub-plan may provide a basis for coordination of—

 (a) emergency service agencies; and

 (b) Territory, Commonwealth and State agencies; and

 (c) other entities.

 (3) An emergency sub-plan must not be inconsistent with the emergency plan.

9 Community communication and information plan
Section 149 (1)

substitute

 (1) The Minister must make a community communication and information plan for communicating information to the community during an emergency.

10 Appointment of emergency controller––no declared state of emergency
Section 150A (2), new note

insert

Note 3 If the Chief Minister is absent from duty or otherwise unable to exercise the powers of Chief Minister, the Deputy Chief Minister acts as Chief Minister (see [Australian Capital Territory (Self‑Government) Act 1988](http://www.comlaw.gov.au/Series/C2004A03699) (Cwlth), s 44).

11 New section 150A (2A)

insert

 (2A) The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), division 19.3.3 (Appointments—Assembly consultation) does not apply to an appointment under this section.

12 Section 150A (4)

substitute

 (4) The appointment of a person for an emergency under this section ends on the earliest of the following occurring:

 (a) the appointment is revoked;

 (b) the person is taken to be the emergency controller for a declared state of emergency under section 159 (2);

 (c) another person is appointed to be the emergency controller for a declared state of emergency under section 159 (3);

 (d) 7 days have elapsed since the day the appointment was made.

13 Functions of emergency controller—no declared state of emergency
Section 150B (3)

after

emergency plan

insert

and any relevant emergency sub-plan

14 Declaration of state of emergency
Section 156 (2), new note

insert

Note If the Chief Minister is absent from duty or otherwise unable to exercise the powers of Chief Minister, the Deputy Chief Minister acts as Chief Minister (see [Australian Capital Territory (Self‑Government) Act 1988](http://www.comlaw.gov.au/Series/C2004A03699) (Cwlth), s 44).

15 Appointment of emergency controller for declared state of emergency
Section 159, new note

insert

Note 3 If the Chief Minister is absent from duty or otherwise unable to exercise the powers of Chief Minister, the Deputy Chief Minister acts as Chief Minister (see [Australian Capital Territory (Self‑Government) Act 1988](http://www.comlaw.gov.au/Series/C2004A03699) (Cwlth), s 44).

16 New section 159 (2) to (4)

after the notes, insert

 (2) If a person is appointed as the emergency controller for an emergency under section 150A, the person is taken to be the emergency controller for the emergency under this section.

 (3) However, the Chief Minister may appoint someone else to be the emergency controller for the emergency.

 (4) The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), division 19.3.3 (Appointments—Assembly consultation) does not apply to an appointment under this section.

17 Functions of emergency controller
Section 160 (3)

after

emergency plan

insert

and any relevant emergency sub-plan

18 Dictionary, new definition of emergency sub-plan

insert

emergency sub-plan—see section 148.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 25 October 2018.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2018.

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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