

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Police and Emergency Services)

## Emergencies Amendment Bill 2018

### Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Constitution of SEMSOG	
Section 142 (1) (a)	2
5 New section 142 (4)	2
6 Functions of SEMSOG	
Section 143	2
7 New section 143 (3) (ba)	3
8 Section 148	3
9 Community communication and information plan	
Section 149 (1)	4

## Contents

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	Page	
10	Appointment of emergency controller—no declared state of emergency Section 150A (2), new note	4
11	New section 150A (2A)	4
12	Section 150A (4)	4
13	Functions of emergency controller—no declared state of emergency Section 150B (3)	5
14	Declaration of state of emergency Section 156 (2), new note	5
15	Appointment of emergency controller for declared state of emergency Section 159, new note	5
16	New section 159 (2) to (4)	6
17	Functions of emergency controller Section 160 (3)	6
18	Dictionary, new definition of <i>emergency sub-plan</i>	6

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## **Emergencies Amendment Bill 2018**

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### **A Bill for**

An Act to amend the *Emergencies Act 2004*

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

1 **1 Name of Act**

2 This Act is the *Emergencies Amendment Act 2018*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

8 This Act amends the *Emergencies Act 2004*.

9 **4 Constitution of SEMSOG**  
10 **Section 142 (1) (a)**

11 *substitute*

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

13 (aa) the under treasurer; and

14 **5 New section 142 (4)**

15 *insert*

16 (4) In this section:

17 *under treasurer*—see the *Financial Management Act 1996*,  
18 dictionary.

19 **6 Functions of SEMSOG**  
20 **Section 143**

21 *before*

22 emergency management

23 *insert*

24 security and

1 **7 New section 143 (3) (ba)**

2 *insert*

3 (ba) to support the Minister in the preparation of an emergency  
4 sub-plan;

5 **8 Section 148**

6 *substitute*

7 **148 Emergency sub-plans**

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

10 **Examples—hazard specific emergency**

- 11 • terrorist attack  
12 • flood emergency  
13 • storm emergency  
14 • bushfire emergency  
15 • urban fire emergency  
16 • chemical or hazardous material incident  
17 • disease or epidemic emergency

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

- 19 (a) emergency service agencies; and  
20 (b) Territory, Commonwealth and State agencies; and  
21 (c) other entities.

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

1 **9 Community communication and information plan**  
2 **Section 149 (1)**

3 *substitute*

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

7 **10 Appointment of emergency controller—no declared state**  
8 **of emergency**  
9 **Section 150A (2), new note**

10 *insert*

11 *Note 3* If the Chief Minister is absent from duty or otherwise unable to exercise  
12 the powers of Chief Minister, the Deputy Chief Minister acts as Chief  
13 Minister (see *Australian Capital Territory (Self-Government) Act 1988*  
14 (Cwlth), s 44).

15 **11 New section 150A (2A)**

16 *insert*

- 17 (2A) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly  
18 consultation) does not apply to an appointment under this section.

19 **12 Section 150A (4)**

20 *substitute*

- 21 (4) The appointment of a person for an emergency under this section ends  
22 on the earliest of the following occurring:  
23 (a) the appointment is revoked;  
24 (b) the person is taken to be the emergency controller for a declared  
25 state of emergency under section 159 (2);

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

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

4 **13 Functions of emergency controller—no declared state of**  
5 **emergency**  
6 **Section 150B (3)**

7 *after*

8 emergency plan

9 *insert*

10 and any relevant emergency sub-plan

11 **14 Declaration of state of emergency**  
12 **Section 156 (2), new note**

13 *insert*

14 *Note* If the Chief Minister is absent from duty or otherwise unable to exercise  
15 the powers of Chief Minister, the Deputy Chief Minister acts as Chief  
16 Minister (see [Australian Capital Territory \(Self-Government\) Act 1988](#)  
17 (Cwlth), s 44).

18 **15 Appointment of emergency controller for declared state**  
19 **of emergency**  
20 **Section 159, new note**

21 *insert*

22 *Note 3* If the Chief Minister is absent from duty or otherwise unable to exercise  
23 the powers of Chief Minister, the Deputy Chief Minister acts as Chief  
24 Minister (see [Australian Capital Territory \(Self-Government\) Act 1988](#)  
25 (Cwlth), s 44).

1 **16 New section 159 (2) to (4)**

2 *after the notes, insert*

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

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

8 (4) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly  
9 consultation) does not apply to an appointment under this section.

10 **17 Functions of emergency controller**  
11 **Section 160 (3)**

12 *after*

13 emergency plan

14 *insert*

15 and any relevant emergency sub-plan

16 **18 Dictionary, new definition of *emergency sub-plan***

17 *insert*

18 ***emergency sub-plan***—see section 148.



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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) 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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