

2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Police and Emergency Services)

Emergencies Amendment Bill 2021

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(As presented)

(Minister for Police and Emergency Services)

Emergencies Amendment Bill 2021

A Bill for

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

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

1 **1 Name of Act**

2 This Act is the *Emergencies Amendment Act 2021*.

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 *Note* This Act also amends the following legislation (see sch 1):
10 • *Dangerous Substances (Explosives) Regulation 2004*
11 • *Environment Protection Act 1997*
12 • *Environment Protection Regulation 2005*
13 • *Road Transport (Vehicle Registration) Regulation 2000*
14 • *Territory Records Regulation 2009*.

15 **4 New part 1.1 heading**

16 *insert*

17 **Part 1.1 Preliminary**

18 **5 Objects of Act**
19 **New section 3 (b) (iii)**

20 *insert*

21 (iii) develops community resilience to emergencies; and

1 **6 New part 1.2**

2 *insert*

3 **Part 1.2 Area concepts**

4 **6A Meaning of *built-up area***

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

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

13 **6B Meaning of *rural area***

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

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

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

18 **7 Section 10**

19 *substitute*

20 **10 Asking advisory council's advice**

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

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

4 **8 Commissioner may make guidelines**
5 **Section 11 (5)**

6 *omit*

7 **9 Section 11 (8), definition of *senior rank***

8 *omit*

9 **10 Delegation by commissioner**
10 **Section 12 (1)**

11 *after*

12 a member of an emergency service

13 *insert*

14 , a police officer

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

16 *in chapter 2, insert*

17 **13 Assistant emergency services commissioners**

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

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

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

- 1 **14 Assistant commissioners' functions**
- 2 (1) An assistant commissioner's function is to support the commissioner
- 3 in the exercise of the commissioner's functions.
- 4 (2) An assistant commissioner must not exercise the assistant
- 5 commissioner's function in a way that—
- 6 (a) is inconsistent with the commissioner's exercise, or proposed
- 7 exercise, of a function under this Act or any other territory law;
- 8 or
- 9 (b) may unreasonably restrict or undermine the commissioner's
- 10 exercise of a function under this Act or any other territory law;
- 11 or
- 12 (c) is inconsistent with the commissioner's guidelines.
- 13 (3) An assistant commissioner must comply with any direction from the
- 14 commissioner about the exercise of the assistant commissioner's
- 15 functions.
- 16 (4) If the commissioner is unavailable or, for any other reason, unable to
- 17 perform the functions of commissioner, the acting commissioner is—
- 18 (a) if there is only 1 assistant commissioner at the time the
- 19 commissioner is unavailable or unable to perform the
- 20 functions—the assistant commissioner; or
- 21 (b) if there is more than 1 assistant commissioner at the time—the
- 22 assistant commissioner nominated, by the commissioner, to be
- 23 the acting commissioner.
- 24 *Note* A person acting in a position under a standing acting arrangement has all
- 25 the functions (including authorities, duties and powers) of the occupant
- 26 of the position (in this case, the commissioner)—see the [Legislation Act](#),
- 27 s 225B.
- 28 (5) An assistant commissioner has any other function prescribed under
- 29 this Act or another territory law.

1 **15 Delegation by assistant commissioners**

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

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

7 **12 General powers of chief officers**
8 **Section 34 (1) (o)**

9 *substitute*

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

15 **13 Delegations by chief officers**
16 **Section 39**

17 *omit*

18 or a member of an emergency service

19 *substitute*

20 , a member of an emergency service or a police officer

21 **14 Rural fire brigades**
22 **Section 54 (2)**

23 *substitute*

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

1	15	Interpretation for ch 5
2		Part 5.1
3		<i>omit</i>
4	16	Strategic bushfire management plan
5		Section 72
6		<i>omit</i>
7		bushfire council
8		<i>substitute</i>
9		advisory council
10	17	Assessment of resources and capabilities
11		Section 76 (2)
12		<i>omit</i>
13		bushfire council
14		<i>substitute</i>
15		advisory council
16	18	Review of strategic bushfire management plan
17		Section 80 (1)
18		<i>omit</i>
19		bushfire council
20		<i>substitute</i>
21		advisory council
22	19	Offences about fire appliances
23		Section 95 (3)
24		<i>omit</i>

1 **20 Section 95 (5)**

2 *omit*

3 or (3)

4 **21 Part 5.6 heading**

5 *substitute*

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

9 **Division 5.6.1A Definitions—pt 5.6**

10 **113A Definitions—pt 5.6**

11 In this part:

12 *fire permit*—see section 126A.

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

17 *high risk activity* means any of the following:

- 18 (a) welding;
- 19 (b) grinding;
- 20 (c) soldering;
- 21 (d) gas cutting;
- 22 (e) conduct prescribed by regulation.

23 *total fire ban*—see section 114 (2).

1 **22 Declaration of total fire ban**
2 **Section 114 (2) and (3)**

3 *substitute*

4 (2) The commissioner may, in writing, declare a ban (a *total fire ban*).

5 (3) A declaration—

6 (a) must state the period the total fire ban is in force; and

7 (b) may apply to all or part of the ACT.

8 **23 Publication of total fire ban**
9 **Section 115 (1) (b) and note**

10 *substitute*

11 (b) posted using social media; and

12 (c) notified under the [Legislation Act](#) as if it were a notifiable
13 instrument.

14 **24 Offence—lighting etc fire during total fire ban**
15 **Section 116 (1) (a)**

16 *omit*

17 fireworks

18 *substitute*

19 a firework

- 1 **25 Section 116 (3) (c)**
- 2 *substitute*
- 3 (c) the lighting, maintenance or use of a fire, or the use of a
- 4 firework, in accordance with a fire permit; or
- 5 **26 Offence—high risk activity during total fire ban**
- 6 **Section 116A (3) (b)**
- 7 *omit*
- 8 permit issued under section 118
- 9 *substitute*
- 10 fire permit
- 11 **27 Section 116A (4)**
- 12 *omit*
- 13 **28 Fire permits**
- 14 **Section 118**
- 15 *omit*
- 16 **29 Bushfire season**
- 17 **Section 119 (3)**
- 18 *omit*
- 19 bushfire council
- 20 *substitute*
- 21 advisory council

1 **30 Using fires and appliances for cooking etc in open air**
2 **Section 122 (4)**

3 *omit*

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

5 *substitute*

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

8 **31 Section 122 (4) (a)**

9 *omit*

10 permit given by the commissioner under section 124

11 *substitute*

12 fire permit

13 **32 Lighting fires for burning off**
14 **Section 123 (3)**

15 *omit*

16 written permit given by the commissioner under section 124

17 *substitute*

18 fire permit

19 **33 New section 123 (7)**

20 *insert*

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

1 **34** **Permits for div 5.6.2**
2 **Section 124**

3 *omit*

4 **35** **New division 5.6.3**

5 *insert*

6 **Division 5.6.3** **Fire permits**

7 **126A** **Commissioner may issue fire permit**

8 (1) The commissioner may, at any time, issue a written permit (a *fire*
9 *permit*) authorising a person to carry out any of the following (a
10 *proposed activity*) for a period:

- 11 (a) light, maintain or use a fire;
12 (b) use a firework;
13 (c) undertake a high risk activity.

14 (2) An application for a fire permit must state—

- 15 (a) the location of the proposed activity; and
16 (b) the nature of the proposed activity; and
17 (c) the date and time of the proposed activity; and
18 (d) the safety precautions to be undertaken in relation to the
19 proposed activity.

20 (3) In deciding whether to issue a fire permit, the commissioner—

- 21 (a) must consider—
22 (i) the matters stated in the application; and
23 (ii) the weather conditions forecast for the time of the
24 proposed activity; and

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

12 **126B Operation of fire permit**

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

1 **36 Chapter 6**

2 *substitute*

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

4 **127 Establishment of multi-hazard advisory council**

5 The ACT Multi-Hazard Advisory Council is established.

6 **128 Constitution of advisory council**

7 (1) The advisory council consists of—

8 (a) a chairperson; and

9 (b) a deputy chairperson; and

10 (c) at least 3, but not more than 10, other members.

11 (2) The deputy chairperson acts in the position of chairperson—

12 (a) during all vacancies in the position; and

13 (b) during all periods when the chairperson cannot for any reason
14 exercise the functions of the position.

15 **129 Advisory council members**

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

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

18 (2) The Minister may appoint a person as a member only if the Minister
19 considers the person has the appropriate qualifications or experience
20 to assist the council to exercise its functions.

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

7 **130 Functions of advisory council**

- 8 (1) The advisory council has the following functions:
9 (a) advising the Minister about matters relating to natural hazards;
10 (b) if the commissioner asks for the council's advice before
11 exercising a function relating to natural hazards—advising the
12 commissioner about the exercise of the function;
13 *Note* The commissioner must ask for the advisory council's advice
14 before exercising certain functions (see s 10).
15 (c) any other function—
16 (i) given to the council under this Act or another territory law;
17 or
18 (ii) prescribed by regulation.

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

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

25 **131 Director-general to give support to advisory council**

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

- 1 **132 Ending of advisory council members' appointments**
- 2 The Minister may end the appointment of an advisory council
- 3 member—
- 4 (a) for misbehaviour; or
- 5 (b) for physical or mental incapacity, if the incapacity affects the
- 6 exercise of the member's functions; or
- 7 (c) if the member—
- 8 (i) becomes bankrupt or personally insolvent; or
- 9 (ii) is absent, other than on leave approved by the Minister,
- 10 from 3 consecutive meetings of the advisory council; or
- 11 (iii) contravenes section 134 (Disclosure of interests by
- 12 advisory council members) without reasonable excuse; or
- 13 (iv) commits, in Australia or elsewhere, an offence punishable
- 14 by imprisonment for at least 1 year; or
- 15 (d) if the Minister is satisfied that the member's ability to function
- 16 as a member is affected by an interest disclosed under
- 17 section 134.
- 18 **133 Advisory council terms of reference and procedures**
- 19 (1) The Minister may, on the Minister's own initiative or in consultation
- 20 with the advisory council, determine the terms of reference and the
- 21 procedures for the council.
- 22 (2) A determination under subsection (1) is a notifiable instrument.
- 23 (3) If the Minister has not made a determination about the council's
- 24 procedures, the council may decide its own procedures in relation to
- 25 anything for which a procedure is not provided under this Act.

- 1 **134 Disclosure of interests by advisory council members**
- 2 (1) An advisory council member who has a relevant interest in an issue
3 being considered, or about to be considered, by the council must, as
4 soon as practicable after the relevant facts have come to the member's
5 knowledge, disclose the nature of the interest at a meeting of the
6 council.
- 7 (2) The disclosure must be recorded in the advisory council's minutes
8 and, unless the council otherwise decides, the member must not—
- 9 (a) be present when the council considers the issue; or
- 10 (b) take part in a decision of the council on the issue.
- 11 (3) Any other advisory council member who also has a relevant interest
12 in the issue must not—
- 13 (a) be present when the council is considering its decision under
14 subsection (2); or
- 15 (b) take part in the decision.
- 16 (4) In this section:
- 17 *relevant interest*, in an issue, means—
- 18 (a) a direct or indirect financial interest in the issue; or
- 19 (b) a direct or indirect interest of any other kind if the interest could
20 conflict with the proper exercise of the advisory council
21 member's functions in relation to the council's consideration of
22 the issue.
- 23 **135 Reporting of disclosed interests to Minister**
- 24 (1) Within 14 days after the disclosure of an interest under
25 section 134 (1), the advisory council chairperson must report to the
26 Minister in writing about—
- 27 (a) the disclosure; and

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

17 **37 Functions of SEMSOG**
18 **Section 143 (3) (b) and (c)**

- 19 *substitute*
- 20 (b) to support the commissioner and the chief police officer in
21 security and emergency management;
- 22 (c) to support the preparation of—
- 23 (i) the emergency plan or any part of the plan; and
24 (ii) an emergency sub-plan; and
25 (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.

1 **149B Communicating information about emergencies**

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

5 **39 Declaration of state of alert**
6 **Section 151 (1) (a)**

7 *substitute*

8 (a) the Minister is satisfied that—

9 (i) an emergency is likely to happen; and

10 (ii) the nature of the emergency calls for an urgent, significant
11 and coordinated response to minimise or manage a
12 substantial risk to—

13 (A) the safety of people, animals or property; or

14 (B) the preservation of the environment; or

15 (C) the provision of essential services; and

16 **40 Publication of state of alert declaration**
17 **New section 153 (1) (aa)**

18 *insert*

19 (aa) posted using social media; and

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

3 *substitute*

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

13 **42 Publication of declaration of state of emergency**
14 **New section 158 (1) (aa)**

15 *insert*

- 16 (aa) posted using social media; and

17 **43 New division 7.3.3**

18 *insert*

19 **Division 7.3.3 Recovery coordinator**

20 **174A Meaning of *territory agency*—div 7.3.3**

21 In this division:

22 *territory agency* means—

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

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

3 **174B Appointment of recovery coordinator**

- 4 (1) This section applies if the Minister is satisfied that—
 - 5 (a) an emergency has happened, is happening or is likely to happen;
 - 6 and
 - 7 (b) the scale or nature of the emergency requires, or is likely to
 - 8 require, a recovery operation involving different territory
 - 9 agencies.
- 10 (2) The Minister may appoint a person to coordinate the recovery
- 11 operation for the emergency (the *recovery coordinator*).
- 12 (3) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly
- 13 consultation) does not apply to an appointment under this section.
- 14 *Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.
- 15 (4) The Minister may be satisfied that an emergency is likely to happen
- 16 if the Minister is satisfied that an event that has happened or is
- 17 happening, or a circumstance that exists, gives rise to the likelihood
- 18 of an emergency.

19 **174C Functions of recovery coordinator**

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

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

6 **44 Cooperative arrangements with Commonwealth, State or**
7 **overseas agencies**
8 **Section 176 (1)**

9 *after*
10 Minister
11 *insert*
12 or the commissioner

13 **45 New sections 182A and 182B**

14 *in chapter 8, insert*

15 **182A Definitions—ch 8**

16 In this chapter:

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

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

20 **182B Emergency operation notice**

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

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

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

3 *substitute*

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

10 **47** **Interfering with fire appliance, hydrant, alarm etc**
11 **Section 190 (1) and example and penalty**

12 *substitute*

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

18 Maximum penalty: 50 penalty units.

19 **48** **New section 190 (7)**

20 *insert*

- 21 (7) In this section:

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

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

3 *insert*

4 (aa) an assistant commissioner; or

5 **50 Section 198 (4) (e)**

6 *substitute*

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

9 **51 New chapter 12**

10 *insert*

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

13 **218 Definitions—ch 12**

14 In this chapter:

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

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

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

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

1 **219 Declaration of built-up area**

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

5 **220 Old permit taken to be fire permit**

6 (1) This section applies to an old permit that is in force immediately
7 before the commencement day.

8 (2) The old permit is, on the commencement day, taken to be a fire permit
9 and continues in force—

10 (a) in the same terms as the old permit; and

11 (b) subject to the same conditions, if any, as the old permit.

12 (3) The fire permit is taken to end—

13 (a) on the end day stated in the old permit; or

14 (b) if no end day is stated in the old permit—3 months after the
15 commencement day.

16 (4) The fire permit must not be amended, transferred or renewed.

17 **221 Application for old permit not decided**

18 (1) This section applies if—

19 (a) before the commencement day, a person applies for an old
20 permit; and

21 (b) immediately before the commencement day, the commissioner
22 has not decided whether to issue the permit.

23 (2) The application is, on the commencement day, taken to be an
24 application for a fire permit.

1 **222 Bushfire council members**

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

10 (2) The appointment of a person as chairperson or deputy chairperson of
11 the bushfire council under the pre-amendment Act, section 129, that
12 is in force immediately before the commencement day is, on the
13 commencement day, taken to be an appointment of the person as
14 chairperson or deputy chairperson of the advisory council under
15 section 129 and continues in force until the end of the term of the
16 appointment under the pre-amendment Act unless ended earlier.

17 **223 Bushfire council functions**

18 (1) This section applies if, immediately before the commencement day—
19 (a) the bushfire council did not carry out or complete a function
20 required under a provision of the pre-amendment Act or any
21 other territory law; or

22 (b) a person did not carry out or complete a function, in relation to
23 the bushfire council, required under a provision of the
24 pre-amendment Act or any other territory law.

25 (2) The provision of the pre-amendment Act or the other territory law as
26 in force immediately before the commencement day continue to apply
27 to the carrying out or completion of the function, and the advisory
28 council is taken to be the bushfire council for the purpose of the
29 provision and any matter relating to the performance of the function.

1 **224 Bushfire council disclosures, reporting etc**

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

11 **225 Transitional regulations**

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

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

24 **226 Expiry—ch 12**

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

1 **52 Reviewable decisions**
2 **Schedule 2, items 14 to 17**

3 *substitute*

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

4 **53 Dictionary, new definitions**

5 *insert*

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

8 *assistant commissioner*—see section 13.

9 **54 Dictionary, definition of *built-up area***

10 *substitute*

11 *built-up area*—see section 6A.

12 **55 Dictionary, definition of *bushfire council***

13 *omit*

14 **56 Dictionary, definition of *community communication and***
15 ***information plan***

16 *substitute*

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

-
- 1 **57 Dictionary, new definitions**
- 2 *insert*
- 3 *emergency operation*, for chapter 8 (Volunteers)—see section 182A.
- 4 *emergency operation notice*, for chapter 8 (Volunteers)—see
- 5 section 182B.
- 6 *fire permit*, for part 5.6 (Total fire ban, controlled activities, related
- 7 offences and fire permits)—see section 126A.
- 8 **58 Dictionary, definition of *firework***
- 9 *substitute*
- 10 *firework*, for part 5.6 (Total fire ban, controlled activities, related
- 11 offences and fire permits)—see section 113A.
- 12 **59 Dictionary, new definitions**
- 13 *high risk activity*, for part 5.6 (Total fire ban, controlled activities,
- 14 related offences and fire permits)—see section 113A.
- 15 *recovery coordinator*—see section 174B (2).
- 16 *recovery operation* means an operation for the purposes of
- 17 recovering, or preparing to recover, from an emergency.
- 18 **60 Dictionary, definition of *rural area***
- 19 *substitute*
- 20 *rural area*—see section 6B.

1 **61 Dictionary, new definitions**

2 *insert*

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

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

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Dangerous Substances**
4 **(Explosives) Regulation 2004**

5 **[1.1] Section 22 (5)**

6 *substitute*

7 (5) In this section:

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

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

10 **Part 1.2** **Environment Protection Act 1997**

11 **[1.2] Schedule 1, table 1.2, item 28, note**

12 *substitute*

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

1 **Part 1.3 Environment Protection**
2 **Regulation 2005**

3 **[1.3] Section 3, note 1**

4 *substitute*

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

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

11 **[1.4] Dictionary, definition of *built-up area***

12 *substitute*

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

14 **Part 1.4 Road Transport (Vehicle**
15 **Registration) Regulation 2000**

16 **[1.5] Section 17 (2), definition of *rural area***

17 *substitute*

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

1 **Part 1.5** **Territory Records**
2 **Regulation 2009**

3 **[1.6] Schedule 1, item 6, column 2**

4 *omit*

5 ACT Bushfire Council

6 *substitute*

7 ACT Multi-Hazard Advisory Council

8 **[1.7] Dictionary, definition of *ACT Bushfire Council***

9 *omit*

10 **[1.8] Dictionary, new definition of *ACT Multi-Hazard Advisory***
11 ***Council***

12 *insert*

13 *ACT Multi-Hazard Advisory Council* means the ACT Multi-Hazard
14 Advisory Council established under the *Emergencies Act 2004*,
15 section 127.

Endnotes

1 Presentation speech

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

2 Notification

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

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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