

1999

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN  
CAPITAL TERRITORY**

**EMERGENCY MANAGEMENT BILL 1998**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**AMENDMENTS TO BE MOVED ON BEHALF OF THE  
GOVERNMENT**

**Circulated by the Authority of  
the Minister for Justice and Community Safety,  
Gary Humphries MLA**

# EMERGENCY MANAGEMENT BILL 1998

## Amendments to be moved on behalf of the Government

The Government Amendments are to the *Emergency Management Bill 1998* (the Bill) which was introduced into the Legislative Assembly in December 1998. For the Outline, Key Elements and Details of the Bill please refer to the Explanatory Memorandum circulated by the Authority of the Minister for Justice and Community Safety, Gary Humphries.

### Purpose of the Amendments to the Bill

Following the receipt of comments in relation to the Bill and the recommendations of the Standing Committee on Justice and Community Safety Report number 5 1999, it was considered appropriate to present certain Government Amendments to the Legislative Assembly for consideration. In addition the *Taxation (Administration) Act 1987* which was referenced in Division 3 of Part VI of the Bill has been repealed and has been replaced by the *Taxation Administration Act 1999*.

### Amendments to the Bill are:

1. The proposed amendment to Clause 2 is that Sections 1,2,and 81 commence on the day the Act is notified in the Gazette.
2. The proposed amendment to Clause 3(1) is the inclusion of *alternate controller* to the list of definitions.
3. The proposed amendment to Clause 3(1) is to omit the definition of *Chief Police Officer* as this is now included in the *Interpretation Act 1967*.
4. The proposed amendment to Clause 3(1) is to omit the current definition of controller and substitute with a revised definition. The revised definition identifies the Chief Police Officer as the controller and recognises the ability for the controller to delegate to an alternate controller in relation to the provision of functions and powers of an assignment under subsection 22(2).
5. The proposed amendment to Clause 7(2)(b) is to omit the paragraph as it is not required given that the chief police officer is identified as the controller.

6. The proposed amendment to Clause 9 is to omit the clause and substitute it with a clause that provides for the chief police officer to be the chairperson of the Emergency Management Committee.
7. The proposed amendment is to Clauses 22 and 23. Both of these clauses are omitted and replacement clauses are substituted to provide that in Clause 22 the chief police officer is the controller and the controller will have the functions and powers assigned by the Minister. Clause 23 provides that the controller may appoint an alternate controller with the approval of the Minister, and the alternate controller will have the functions and powers assigned to the controller.
8. The proposed amendment to Clause 25(1) and (2) is to omit the subclauses and substitute them with subclauses that provide for the controller to establish a management executive to support the controller during a declared emergency. The management executive will consist of the members of the Emergency Management Committee and such other persons as the controller considers appropriate.
9. The proposed amendment to Clause 27(11) is to remove the body corporate penalty units in accordance with recent amendments to the *Interpretation Act 1967*.
10. The proposed amendment to Clause 28 is to remove the body corporate penalty units in accordance with recent amendments to the *Interpretation Act 1967*.
11. The proposed amendment to Clause 36(c)(i) and (ii), relating to recovery in non-declared emergencies, is the deletion of "city" before "infrastructure", so as to include all Territory infrastructure. This amendment simply reflects the reality that there is infrastructure also outside the built-up areas of the Territory.
12. The proposed amendment to Clause 53(1) is to omit the definition of *ambulance services* and substitute a new definition of *ambulance services* that includes provision of medical treatment, pre-hospital patient care and transport by ambulance of a patient. The amendment also clarifies that people rendering first aid are not providing ambulance services.
13. The proposed amendment to the definition of *exempt contributions* in Clause 53(1), the interpretation clause for Part VI, provides that *exempt contributions* has the meaning provided by Clause 53A (1) or (2).
14. The proposed amendment is to include a definition of *family rate* as part of Clause 53(1).
15. The proposed amendment to Clause 53(1) is to provide a definition of *patient* to assist in the clarification that people rendering first aid are not providing ambulance services.

16. The proposed amendment is to include a definition of *single rate* as part of Clause 53(1).
17. The proposed amendment is to make it clear that Clause 53A, providing the meaning of *exempt contributions* is to be inserted in Division 1 of Part VI. The Clause also provides for exemption from the Levy in respect of contributions to a health benefits fund where the contributor or contributors are overseas.
18. The proposed amendment is to include subclause (1A) in Clause 54 to make it clear that the ACT Ambulance Service that is to be established under Clause 54(1) of the Emergency Management Bill 1998, is the successor of the ambulance service established under the Ambulance Service Levy Act 1990.
19. The proposed amendment to Clause 57(a) is to provide for the omitting of paragraph 57(c).
20. The proposed amendment to Clause 57(a) is to provide for the omitting of paragraph 57(c).
21. The proposed amendment to paragraph 57(c) is to omit the paragraph.
22. The proposed amendment to Clause 60 is to omit "(Administration)" and substitute "Administration".
23. The proposed amendment to Clause 60 involves the substitution of the *Taxation Administration Act 1999* for the repealed *Taxation (Administration) Act 1987*.
24. The proposed amendment to Clause 63(2) involves the deletion of the existing definitions of *family rate* and *single rate* from Clause 63(2) and the relocation of these definitions in amended form in Clause 53(1). Subclause (2) is replaced with a provision that for the purposes of subsection (1) where a person is paying at the family rate and only one of the persons is resident in Australia, the person paying shall be taken to be contributing at the single rate.
25. The proposed amendment to Clause 63 involving the deletion of subclauses (4), (5) and (6) removes the nexus in the calculation of the ambulance levy with the *prescribed rate* under Section 5 of Schedule 2 to the *Health Insurance Levies Act 1982* of New South Wales. The proposed amendment also defines *relevant amount* to provide for determinations by the Minister under Section 139 of the *Taxation Administration Act 1999*, and sets the ambulance levy at the rate of 83 cents where no amount is determined under Section 139 of the *Taxation Administration Act 1999*.
26. The proposed amendment to Clause 64(2) provides for the simplified form and contents of a monthly return lodged by a health benefits organisation, for the purpose of calculation of the ambulance service levy payable. The amendment involves the deletion of Clause 64(2) and its replacement with a new subclause (2) containing new

requirements for the information to be provided in returns. Subclause (3) provides that contributors under Clause 63(2) be included as single contributors in the returns.

27. The proposed amendment to Clause 71(1) is to provide in the plural form, in line with the Clause heading and the definition of *ambulance services* in Clause 53(1), which contemplate a range of possible services. The amendment of Clause 71(2) provides a context in relation to approvals by the Minister of applications for the provision of ambulance services.
28. The proposed amendment to Clause 71(7) is the insertion of new paragraphs (b) and (c) to ensure that non-government organisations, or any other person, are not caught by the prohibition in Clause 71(1) on operating ambulance services, without Ministerial approval, by virtue of rendering first aid.
29. The proposed amendment to Clause 71(8) is to omit the definition of *medical practitioner*. In accordance with recent amendments to the *Interpretation Act 1967* the definition of doctor now includes a medical practitioner.
30. The proposed amendment to subclause 75(1) is to omit the body corporate penalty units in accordance with recent amendments to the *Interpretation Act 1967*
31. The proposed amendments to Clauses 80 and 81 are to provide transitional and consequential amendments and repeals by omitting the clauses and substitute revised provisions that provide for the repeal of various provisions of the *Ambulance Service Levy Act 1990* in accordance with the commencement of these provisions. The proposed amendments also provide for the repeal of the *Ambulance Service Levy (Amendment) Act 1992* when the last of the above repeal provisions of the *Ambulance Service Levy Act 1990* take effect.