

2026

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

ELEVENTH ASSEMBLY

EMERGENCIES AMENDMENT BILL 2026

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
Marissa Paterson MLA
Minister for Police, Fire and Emergency Services
June 2026**

EMERGENCIES AMENDMENT BILL 2026

INTRODUCTION

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

This explanatory statement relates to the Emergencies Amendment Bill 2026 as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly. The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

OVERVIEW OF THE BILL

The Emergencies Amendment Bill 2026 repeals provisions in the *Emergencies Act 2004* (the Act) that establish and govern the Multi Hazards Advisory Council (MHAC). The Bill removes all statutory requirements relating to MHAC, including its functions, membership, reporting obligations and consultation requirements.

The amendments support the ACT Government's shift toward adaptive, flexible and forward-looking governance that can evolve in response to emerging risks, climate change, and contemporary resilience frameworks.

The Bill does not establish any new statutory advisory bodies. Instead, it enables the Minister to establish non-statutory advisory bodies administratively, ensuring that governance structures remain responsive and strategically aligned.

The reforms reflect the ACT Government's commitment to modernising emergency management governance and supporting implementation of the Strategic Bushfire Management Plan and the ACT Disaster Resilience Strategy.

CONSULTATION ON THE PROPOSED APPROACH

Government has consulted with senior officials, including statutory office holders, with responsibilities under the Act as related to the MHAC in the development of the Bill.

CLIMATE IMPACT

This Bill does not have a climate impact. The impacts of climate change will be incorporated into the business of the proposed new advisory bodies.

CONSISTENCY WITH HUMAN RIGHTS

During development of the Bill, due regard was given to its compatibility with the rights set out in the HR Act. The Bill is not a Significant Bill and has been assessed as not likely to have significant engagement of human rights.

Rights engaged

The Bill does not engage human rights to a significant extent. However, the Bill does potentially engage the following rights under the HR Act as the Bill has relevance to these rights:

- Section 17 - Taking part in public life (potentially promoted)
- Section 27 - Cultural and other rights of Aboriginal and Torres Strait Islander peoples and other minorities (potentially promoted); and
- Section 27C - Right to a healthy environment (potentially promoted).
- Section 9 - Right to life (engaged but not limited)

While the changes made by the Bill to remove the MHAC potentially engage human rights, they are not considered to limit these rights. The management of natural hazards has a clear connection to human rights, as the failure to effectively manage natural hazards poses a significant risk to public safety and may limit the right to life, the right to a healthy environment and the cultural rights of Aboriginal and Torres Strait Islander peoples in the ACT.

However, the MHAC does not have a direct role in the management of natural hazards or advising on operational issues. There is no requirement that MHAC members have specified expertise in terms of environmental protection or risk management or that there be Aboriginal and Torres Strait Islander cultural representation on the MHAC.

In contrast to previous bodies, the MHAC does not have a role to provide advice on operational matters and decisions that may have a direct impact on human rights. Accordingly, the MHAC cannot be said to function as a human rights safeguard in relation to the management of natural hazards.

The Emergencies Bill 2004, as the instrument that established the post-2004 ACT Bushfire Council, had the intent of modernising and better defining the pre-2004 ACT Bushfire Council, which had a statutory oversight role to coordinate bushfire prevention and protect the community from bushfire risk.

The post-2004 ACT Bushfire Council, as the predecessor to the MHAC, was established with the core role to advise the Minister and (then) Emergency Services Authority on bushfire matters. The Explanatory Statement for the Emergencies Bill

2004 made clear that this was limited to strategic and policy advice and not to advise on operational matters.

This modernisation of the Bushfire Council to purely an advisory function only was made in response to the McLeod Inquiry following the 2003 Canberra Bushfires. Since 2004, the role of the Council in providing advice to the Minister has been complemented by the development of robust governance processes within government. On an annual basis, the Emergency Services Agency and Justice and Community Safety Directorate provide a report on natural hazard mitigation and preparedness to the Security and Emergency Management Committee of Cabinet, the Minister for Police, Fire and Emergency Services provides a statement of preparedness to the ACT Legislative Assembly and the ESA Commissioner and Chief Officers appear before the relevant Legislative Assembly Committee, ensuring effective oversight of community safety preparedness.

Additionally, the Minister for Police, Fire and Emergency Services has committed to establishing two new advisory bodies to inform ACT Government implementation of the Strategic Bushfire Management Plan and the ACT Disaster Resilience Strategy. These advisory bodies will provide advice to government consistent with the advice provided by the Multi Hazards Advisory Council, in a more adaptive and flexible manner.

The intent to establish these advisory bodies has been publicly announced by the Minister for Police, Fire and Emergency Services.

Rights potentially promoted

The Bill does not establish new administrative bodies, however, by removing the statutory MHAC, this will allow for the establishment of more flexible advisory bodies. In this regard the Bill may promote the right to taking part in public life through improved ability of citizens to engage with bushfire and disaster resilience advisory bodies by reducing statutory restrictions on membership.

The Bill may also facilitate greater recognition of the sovereignty of Aboriginal and Torres Strait Islander people in relation to cultural heritage and material relationships with the land, through improved partnerships with traditional custodians on advisory bodies.

It is intended that the right to a healthy environment will be promoted through greater consideration of clean, healthy and sustainable environments as they relate to improved consideration of the negative impacts of bushfires and other disasters.

Rights limited

For the reasons set out above, the Bill is not considered to limit any human rights.

EMERGENCIES AMENDMENT BILL 2026
Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Emergencies Amendment Bill 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Act

This is a technical clause that names the short title of the Act. The name of the Act will be the *Emergencies Amendment Act 2026*.

Clause 2 Commencement

This clause provides for the commencement of the Act. The Act commences on the day after its notification. No staged commencement is required.

Clause 3 Legislation amended

This clause identifies the *Emergencies Act 2004* as the legislation to be amended and mentioned in schedule 1.

Clause 4 Legislation repealed

All instruments made under the *Emergencies Act 2004*, section 129 are repealed.

Clause 5 Asking advisory council's advice Section 10

This clause will remove Section 10 of the Act.

Clause 6 Strategic bushfire management plan Section 72 (2) (a)

This clause will remove Section 72 (2) (a) of the Act.

Clause 7 Section 72 (7) and (8)

This clause will remove parts of Section 72 (7) and (8) of the Act in relation to consultation with the advisory council.

Clause 8 Assessment of resources and capabilities Section 76 (2)

This clause will remove parts of Section 72 (2) from the Act in relation to the advisory council.

Clause 9 Review of strategic bushfire management plan Section 80 (1)

This clause will remove parts of Section 80 (1) in relation to consultation with the advisory council.

Clause 10 Bushfire season Section 119 (3)

This clause will remove Section 119 (3) from the Act.

Clause 11 Multi-hazard advisory council Chapter 6

This clause will remove Chapter 6 from the Act.

Clause 12 Dictionary, definition of advisory council

This clause will remove the definition of the Advisory Council from the Act.