



Australian Capital Territory

# Emergencies Regulations 2004

## Subordinate Law SL2004-26

---

The Australian Capital Territory Executive makes the following regulations under the *Emergencies Act 2004*.

Dated 29 June 2004.

BILL WOOD  
Minister

TED QUINLAN  
Minister

---





Australian Capital Territory

# Emergencies Regulations 2004

Subordinate Law SL2004-26

made under the

**Emergencies Act 2004**

## Contents

---

|   | Page |
|---|------|
| 1 Name of regulations   | 1    |
| 2 Commencement  | 1    |
| 3 Notes   | 1    |
| 4 Offences against regulations—application of Criminal Code etc | 1    |
| 5 Prescribed fires—Act, s 116 (3) (d)                           | 2    |
| 6 Steam engines   | 3    |
| 7 Internal-combustion engines                                   | 4    |
| 8 Attendance by fire brigade members at public events           | 4    |
| 9 Exempt contributions—Act, sch 1, s 2 (2) (a)                  | 5    |
| 10 Modification of Act, ch 11—Act, s 215 (2)                    | 5    |

|                   |                                   |           |
|-------------------|-----------------------------------|-----------|
| <b>Schedule 1</b> | <b>Modification of Act, ch 11</b> | Page<br>6 |
|-------------------|-----------------------------------|-----------|

**1 Name of regulations**

These regulations are the *Emergencies Regulations 2004*.

**2 Commencement**

These regulations commence on the day the *Emergencies Act 2004*, section 3 commences.

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

**3 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**4 Offences against regulations—application of Criminal Code etc**

Other legislation applies in relation to offences against these regulations.

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to all offences against these regulations (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**5 Prescribed fires—Act, s 116 (3) (d)**

- (1) Each of the following is a prescribed fire:
  - (a) a fire lit, maintained or used at a factory if—
    - (i) the fire is lit, maintained or used in a building or other structure; and
    - (ii) reasonable steps have been taken to prevent the escape from the building or structure of the fire or material from the fire;
  - (b) a fire lit, maintained or used under the authority of any entity in relation to the repair or maintenance of services or equipment essential for continuing or restoring transport or communication, or a supply of heat, light, power, water or sewerage, if—
    - (i) the emergency services authority has been given notice of the intention to light, maintain or use the fire; and
    - (ii) reasonable steps have been taken to prevent the escape from the place where the fire is lit, maintained or used of the fire or material from the fire;
  - (c) a fire lit, maintained or used on any land for an electric or gas heating appliance to cook food or heat liquids if, while the appliance is in use—
    - (i) the appliance is under the direct control of a responsible adult; and
    - (ii) an area around the appliance of at least 3m is cleared of flammable material; and
    - (iii) a fire-extinguisher or a continuous stream of water is available for use;

- 
- (d) a fire lit, maintained or used to allow a hot-air balloon to become or stay airborne or to control the descent of the balloon if—
- (i) the balloon is under the direct control of a responsible person; and
  - (ii) an area of at least 3m around the balloon is cleared of flammable material before the fire is lit; and
  - (iii) a fire-extinguisher or a continuous stream of water is available for use.
- (2) In this regulation:

**factory** means a building or other place where goods are manufactured or repaired in the course of carrying on a trade or business.

**material**, from a fire, includes sparks or incandescent material from the fire.

## **6 Steam engines**

- (1) The owner of a steam engine commits an offence if the owner fails to install and maintain effective spark arrestors and sound ash pans to the engine.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and
  - (b) in any other case—10 penalty units.
- (2) A person in charge of a steam engine commits an offence if, before the person leaves the engine, the person does not extinguish any live coals that have dropped from the engine.

Maximum penalty:

- (a) if the offence is committed in the bushfire season—20 penalty units; and

(b) in any other case—10 penalty units.

- (3) A person in charge of a steam engine commits an offence if the person does not take adequate steps to stop live coals dropping from the engine after the person leaves the engine.

Maximum penalty:

(a) if the offence is committed in the bushfire season—20 penalty units; and

(b) in any other case—10 penalty units.

- (4) This regulation does not apply if the steam engine is used only for display purposes that do not involve its operation.

(5) An offence against this regulation is a strict liability offence.

(6) In this regulation:

*bushfire season*—see the Act, section 119.

## **7 Internal-combustion engines**

- (1) A person commits an offence if the person uses an internal-combustion engine that is not fitted with an effective spark arrestor.

Maximum penalty:

(a) if the offence is committed in the bushfire season—20 penalty units; and

(b) in any other case—10 penalty units.

(2) An offence against this regulation is a strict liability offence.

(3) In this regulation:

*bushfire season*—see the Act, section 119.

## **8 Attendance by fire brigade members at public events**

- (1) This regulation applies to public entertainment or a public meeting if the chief officer (fire brigade) considers that because of the nature



of the entertainment or meeting, or the decorations, appliances or lighting used at the entertainment or meeting, the attendance of the fire brigade is needed.

- (2) The chief officer (fire brigade) may direct 1 or more fire brigade members to attend all or part of the entertainment or meeting.

*Note* A fee may be determined under the Act, s 201 for the attendance.

- (3) In this regulation:

***public entertainment*** means an exhibition, performance, lecture, game or sport to which the public has access whether or not by payment.

***public meeting*** does not include a gathering of people for religious worship only.

## **9 Exempt contributions—Act, sch 1, s 2 (2) (a)**

The following classes of people are prescribed:

- (a) people holding 1 or more of the following cards given to them by the Commonwealth:
  - (i) a health care card;
  - (ii) a pensioner concession card;
  - (iii) a pharmaceutical benefits concession card;
- (b) people who are service pensioners within the meaning of the *Veterans' Entitlements Act 1986* (Cwlth);
- (c) people living permanently outside the Territory.

## **10 Modification of Act, ch 11—Act, s 215 (2)**

- (1) The Act, chapter 11 (Consequential and transitional matters) is modified by inserting the provisions mentioned in schedule 1.
- (2) This regulation and schedule 1 expire on 30 June 2005.

## Schedule 1      Modification of Act, ch 11

(reg 10)

### Division 11.2.6A      Fuel management plans

#### 213A      Fuel management plans

- (1) This section applies if a fuel management plan made under the *Bushfire Act 1936*, section 11H is in force for an area of land immediately before the commencement day.
- (2) The plan continues in force for the area of land until the day a strategic bushfire management plan made under section 72 commences.

### Division 11.2.6B      Emergency plan

#### 213B      Emergency plan

- (1) This section applies if an emergency plan for the Territory prepared by the Minister under the *Emergency Management Act 1999*, section 11 is in force immediately before the commencement day.
- (2) The emergency plan continues in force until the day an emergency plan made under section 147 commences.

### Division 11.2.6C      Ambulance fund

#### 213C      Approval of person to operate fund

- (1) This section applies to a person approved to operate an ambulance fund under the *Emergency Management Act 1999*, section 69.
- (2) The person is taken to have been approved to operate an ambulance fund under section 195.

---

## **Endnotes**

**1 Notification**

Notified under the Legislation Act on 30 June 2004.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2004