



Australian Capital Territory

Emergencies Regulation 2004

SL2004-26

made under the

Emergencies Act 2004

Republication No 6

Effective: 21 June 2016

Republication date: 21 June 2016

Last amendment made by [A2016-33](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Emergencies Regulation 2004*, made under the *Emergencies Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 21 June 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 21 June 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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R6
21/06/16

Emergencies Regulation 2004
Effective: 21/06/16

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Australian Capital Territory

Emergencies Regulation 2004

made under the

Emergencies Act 2004

1 Name of regulation

This regulation is the *Emergencies Regulation 2004*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

4 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this regulation (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 commissioner 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 section:

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

5A Exempt high risk activity—Act, s 116A (3) (c)

Each of the following is an exempt high risk activity:

- (a) a high risk activity at a factory if—
 - (i) the activity is undertaken in a building or other structure; and
 - (ii) reasonable steps have been taken to prevent the escape of fire or material that is likely to generate fire from the building or structure;
- (b) a high risk activity undertaken 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 commissioner has been given notice of the intention to undertake the activity; and

- (ii) reasonable steps have been taken to prevent the escape of fire or material that is likely to generate fire from the place where the activity is undertaken.

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 ashpan 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 section does not apply if the steam engine is used only for display purposes that do not involve its operation.

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

- (6) In this section:

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 section is a strict liability offence.
- (3) In this section:

bushfire season—see the [Act](#), section 119.

8 Attendance by fire and rescue service members at public events

- (1) This section applies to public entertainment or a public meeting if the chief officer (fire and rescue service) 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 and rescue service is needed.
- (2) The chief officer (fire and rescue service) may direct 1 or more members of the fire and rescue service to attend all or part of the entertainment or meeting.

Note A fee may be determined under the [Act](#), s 201 for the attendance.

9 Exempt contributions—Act, sch 1, s 1.2 (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 ACT.

Dictionary

(see s 2)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- adult
- offence
- penalty unit (see s 133).

Note 3 Terms used in this regulation have the same meaning that they have in the [Emergencies Act 2004](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Emergencies Act 2004](#), dictionary:

- bushfire season
- chief officer (fire and rescue service).

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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Emergencies Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Emergencies Regulation 2004 SL2004-26

notified LR 30 June 2004

s 1, s 2 commenced 30 June 2004 (LA s 75 (1))

remainder commenced 1 July 2004 (s 2 and see [Emergencies Act 2004](#) A2004-28, s 2 (1) and [CN2004-11](#))

as amended by

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.35

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.35 commenced 12 April 2007 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2012

A2012-13 sch 1 pt 1.6

notified LR 11 April 2012

s 1, s 2 commenced 11 April 2012 (LA s 75 (1))

sch 1 pt 1.6 commenced 12 April 2012 (s 2 (1))

Emergencies Amendment Act 2016 A2016-33 sch 1 pt 1.8

notified LR 20 June 2016

s 1, s 2 commenced 20 June 2016 (LA s 75 (1))

sch 1 pt 1.8 commenced 21 June 2016 (s 2)

4 Amendment history

Name of regulation

s 1 am R2 LA

Dictionary

s 2 om LA s 89 (4)
ins [A2016-33](#) amdt 1.18

Prescribed fires—Act, s 116 (3) (d)

s 5 am [A2007-3](#) amdt 3.179; [A2016-33](#) amdt 1.19

Exempt high risk activity—Act, s 116A (3) (c)

s 5A ins [A2016-33](#) amdt 1.20

Attendance by fire and rescue service members at public events

s 8 sub [A2012-13](#) amdt 1.38; [A2016-33](#) amdt 1.21

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

s 10 exp 22 December 2004 (see [A2004-28](#), s 211 (1), s 217 and [NI2004-486](#))

Modification of Act, ch 11

sch 1 exp 22 December 2004 (see [A2004-28](#), s 211 (1), s 217 and [NI2004-486](#))

Dictionary

dict ins [A2016-33](#) amdt 1.22
def **factory** ins [A2016-33](#) amdt 1.22

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 July 2004	1 July 2004– 1 Nov 2004	not amended	new regulation
R2 2 Nov 2004	2 Nov 2004– 22 Dec 2004	not amended	editorial amendments under Legislation Act
R3 23 Dec 2004	23 Dec 2004– 11 Apr 2007	not amended	commenced expiry
R4 12 Apr 2007	12 Apr 2007– 11 Apr 2012	A2007-3	amendments by A2007-3
R5 12 Apr 2012	12 Apr 2012– 21 June 2016	A2012-13	amendments by A2012-13

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