
FIRE AND EMERGENCY SERVICES

FE301

Emergency Management Act 2005

**Emergency Management Amendment
Regulations 2020**

SL 2020/24

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Emergency Management Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Emergency Management Regulations 2006*.

4. Regulation 1A inserted

At the end of Part 1 insert:

1A. Terms used

Communities Department means the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;

Environment Department means the department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984*;

FES Department means the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*;

Health Department means the department of the Public Service principally assisting in the administration of the *Public Health Act 2016*;

Transport Department means the department of the Public Service principally assisting in the administration of the *Pollution of Waters by Oil and Noxious Substances Act 1987*.

5. Regulation 14 amended

- (1) In regulation 14 delete the definition of *ship*.
- (2) In regulation 14 insert in alphabetical order:

explosive substance has the meaning given in *The Criminal Code* section 455;

firearm has the meaning given in the *Firearms Act 1973* section 4;

hostile act has the meaning given in regulation 14A;

State waters means —

- (a) all waters within the limits of the State; and
- (b) all coastal waters of the State within the meaning given in the *Coastal Waters (State Powers) Act 1980* (Commonwealth) section 3(1);

vessel means a craft for use, or that is capable of being used, in navigation by water, however propelled or moved, and includes an air-cushion vehicle, a barge, a lighter, a submersible, a ferry in chains and a wing-in-ground effect craft;

weapon has the meaning given in the *Weapons Act 1999* section 3.

6. Regulation 14A inserted

After regulation 14 insert:

14A. Hostile acts

- (1) For the purposes of this Part, a **hostile act** is —
 - (a) an event or situation to which subregulation (2), (3) or (4) applies; or

- (b) an event or situation that is, or is reasonably suspected to be, any of the following —
 - (i) 1 or more persons being held hostage;
 - (ii) a kidnapping;
 - (iii) a siege;
 - (iv) the hijacking of a vehicle or aircraft;or
 - (c) an event or situation involving the escape of a person from lawful custody that is capable of causing or resulting in loss of life, prejudice to the safety, or harm to the health, of persons.
- (2) This subregulation applies to an event or situation in which —
 - (a) an explosive substance or hazardous substance is used to cause —
 - (i) loss of life, prejudice to the safety, or harm to the health, of persons or animals; or
 - (ii) unlawful destruction of, or damage to, property or any part of the environment;or
 - (b) a threat is made that causes a person to have a reasonable suspicion that an explosive substance or hazardous substance is being or will be used as referred to in paragraph (a); or
 - (c) it is reasonably suspected that an explosive substance or hazardous substance is being or will be used as referred to in paragraph (a).
- (3) This subregulation applies to an event or situation in which —
 - (a) a person is, or is reasonably suspected to be, in possession of any firearm or weapon; and
 - (b) any of the following applies —
 - (i) the firearm or weapon is used to cause loss of life, prejudice to the safety, or harm to the health, of persons;
 - (ii) a threat is made that causes a person to have a reasonable suspicion that the firearm or weapon is being or will be used as referred to in subparagraph (i);
 - (iii) it is reasonably suspected that the firearm or weapon is being or will be used as referred to in subparagraph (i).

- (4) This subregulation applies to an event or situation in which —
- (a) a person uses a vehicle or aircraft intentionally to cause —
 - (i) loss of life, prejudice to the safety, or harm to the health, of persons or animals; or
 - (ii) unlawful destruction of, or damage to, property or any part of the environment;or
 - (b) a threat is made that causes a person to have a reasonable suspicion that a vehicle or aircraft is being or will be used as referred to in paragraph (a); or
 - (c) it is reasonably suspected that a vehicle or aircraft is being or will be used as referred to in paragraph (a).

7. Regulation 15 amended

In regulation 15:

- (a) delete paragraph (b) and insert:
 - (b) persons lost or in distress in waters or on a vessel in waters;
- (b) delete paragraph (i) and insert:
 - (i) actual or impending event that involves a vessel (including a collision, a stranding or an incident of navigation) if the event is capable of causing or resulting in —
 - (i) material damage to the vessel or another vessel; or
 - (ii) loss of life, injury to a person or damage to the health of a person, property or the environment; or
 - (iii) a hazard to the navigation of other vessels;
- (c) in paragraph (l) delete “person.” and insert:

person;
- (d) after paragraph (l) insert:
 - (m) heatwave;
 - (n) hostile act.

8. Regulation 16 amended

- (1) In regulation 16(1):
 - (a) delete paragraph (d);
 - (b) in paragraph (g) delete “Commonwealth.” and insert:

Commonwealth;
 - (c) after paragraph (g) insert:

(h) hostile act.
- (2) After regulation 16(1) insert:
 - (2) The Commissioner of Police is the hazard management agency for emergency management of the hazard set out in regulation 15(b) —
 - (a) for emergency management; and
 - (b) for the following area or areas —
 - (i) State waters;
 - (ii) the area of a port as defined in the *Shipping and Pilotage Act 1967* section 3;
 - (iii) the area described in relation to a port by order made by the Governor under the *Port Authorities Act 1999* section 24.

9. Regulation 17 amended

In regulation 17(1) in the definition of ***FES Commissioner*** delete “department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*.” and insert:

FES Department.

10. Regulation 18 deleted

Delete regulation 18.

11. Regulation 21 amended

In regulation 21:

- (a) delete “Brookfield Rail Pty Limited is the” and insert:

ARC Infrastructure Pty Ltd (ACN 094 721 301) is the

- (b) in paragraph (b) delete “Brookfield Rail Pty Limited” and insert:

ARC Infrastructure Pty Ltd

Note: The heading to amended regulation 21 is to read:

Hazard management agency — ARC Infrastructure Pty Ltd

12. Regulation 22 amended

In regulation 22:

- (a) delete “State Health Coordinator, Department of Health,” and insert:

chief executive officer of the Health Department

- (b) before paragraph (a) insert:

(aa) human epidemic;

Note: The heading to amended regulation 22 is to read:

Hazard management agency — chief executive officer of Health Department

13. Regulation 23A amended

- (1) Delete regulation 23A(1).

- (2) In regulation 23A(2):

- (a) delete “Marine Safety, General Manager, Department of Transport” and insert:

chief executive officer of the Transport Department

- (b) delete paragraph (b)(i) and insert:

(i) State waters;

- (3) In regulation 23A(3):

- (a) delete “Marine Safety, General Manager, Department of Transport” and insert:

chief executive officer of the Transport Department

(b) delete paragraph (b)(i) and insert:

(i) State waters;

Note: The heading to amended regulation 23A is to read:

**Hazard management agency — chief executive officer of
Transport Department**

14. Regulation 26 amended

In regulation 26 delete “Department of Health” and insert:

Health Department

Note: The heading to amended regulation 26 is to read:

Combat agency — Health Department

15. Regulation 30 amended

In regulation 30 delete “Department of Environment and Conservation” and insert:

Environment Department

Note: The heading to amended regulation 30 is to read:

Combat agency — Environment Department

16. Regulation 30A inserted

After regulation 30 insert:

30A. Combat agency — FES Department

The FES Department is a combat agency responsible for the emergency management activity of fire suppression.

17. Regulation 32 amended

In regulation 32 delete “Department for Child Protection is a support organisation responsible for the emergency management activity” and insert:

Communities Department is a support organisation responsible for the support function

Note: The heading to amended regulation 32 is to read:

Support organisation — Communities Department

N. HAGLEY, Clerk of the Executive Council.