

Western Australia

Emergency Management Act 2005

Emergency Management Regulations 2006

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Emergency Management Regulations 2006

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Western Australia

Emergency Management Act 2005

Emergency Management Regulations 2006

Part 1 — Preliminary

[Heading inserted in Gazette 12 Jan 2007 p. 50.]

1. Citation

These regulations are the *Emergency Management Regulations 2006*¹.

Part 2 — The State Emergency Management Committee

[Heading inserted in Gazette 12 Jan 2007 p. 50.]

2. Membership of the SEMC

In addition to the members referred to in section 13(2)(a), (b), (c) and (d) of the Act, the SEMC is to consist of —

- (a) the chief executive officer of the department principally assisting the Minister administering the *Health Act 1911*, or a nominee of that chief executive officer, appointed by the Minister;
- (b) the chief executive officer of the department principally assisting the Minister administering the *Children and Community Services Act 2004*, or a nominee of that chief executive officer, appointed by the Minister; and
- (c) not more than 5 other members appointed by the Minister.

3. Term of office

- (1) Subject to regulation 4, a member holds office —
 - (a) if the member is appointed ex officio and a term of office is not specified in the instrument of his or her appointment, until the Minister terminates the appointment; or
 - (b) otherwise, for the term, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) A member may from time to time be reappointed.
- (3) A member whose term of office expires by the passage of time continues in office until that member is reappointed or the successor of that member comes into office.

4. Vacancies

- (1) The office of a member becomes vacant if —
 - (a) the member resigns the office by written notice addressed to the Minister;
 - (b) in the case of a nominated member referred to in regulation 2(a) or (b), the chief executive officer who nominated the member advises the Minister in writing that the nomination is withdrawn; or
 - (c) the Minister terminates the appointment under regulation 3(1)(a) or removes the member from office under subregulation (2).

- (2) The Minister may remove a member who holds office for a specified term from office if the Minister is satisfied that the member —
 - (a) has neglected his or her duty;
 - (b) has misbehaved;
 - (c) is incompetent;
 - (d) is suffering from mental or physical incapacity impairing the performance of his or her functions as a member; or
 - (e) has been absent, without leave or reasonable excuse, from 3 consecutive meetings of the SEMC of which the member has had notice.

5. Leave of absence

The SEMC may grant leave of absence to a member on any terms and conditions it thinks fit.

6. Chairman unable to act

If the chairman is unable to act because of illness, absence or other cause, or during any vacancy in that office, the deputy chairman must perform the functions of the chairman.

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7. Deputy members

- (1) The Minister may appoint one or more persons to be deputies of a member other than the chairman.
- (2) The Minister must ensure that each deputy of a member has expertise or experience that, in the Minister's opinion, is relevant to the functions of the SEMC.
- (3) A deputy of a member may perform the functions of the member when the member is unable to act because of illness, absence or other cause.
- (4) If the member who is the deputy chairman is performing the functions of the chairman, a deputy of the member may act in his or her place as a member.
- (5) The Minister may terminate the appointment of a person under this regulation at any time.
- (6) A deputy of a member, while acting as a member, has all the functions of, and all the protection given to, a member.

8. Saving

No act or omission of a person acting in place of another under regulation 6 or 7 is to be questioned on the ground that the occasion for his or her appointment or acting had not arisen or had ceased.

9. Calling of meeting

- (1) Subject to subregulation (2), meetings are to be held at the times and places that the SEMC determines.
- (2) The chairman may at any time convene a special meeting of the SEMC.

10. Quorum

At a meeting of the SEMC a quorum is constituted by at least half of the number of members in office, of whom one is the

chairman or deputy chairman appointed under section 13 of the Act.

11. Minutes

The SEMC must cause accurate minutes to be kept of the proceedings at its meetings and of each resolution passed by the SEMC.

12. Holding meetings remotely

The presence of a member at a meeting of the SEMC need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone, or other means of instantaneous communication.

13. Resolution without meeting

A resolution in writing signed by each member of the SEMC or assented to by each member by letter, facsimile transmission, electronic mail or other written means has effect as if it had been passed at a meeting of the SEMC.

Part 3 — Hazard management

[Heading inserted in Gazette 12 Jan 2007 p. 50.]

14. Meaning of terms in this Part

In this Part —

corridor land has the meaning given in the *Rail Freight System Act 2000* section 3;

preparedness has the meaning given in paragraph (b) of the definition of “emergency management” in section 3 of the Act;

prevention has the meaning given in paragraph (a) of the definition of “emergency management” in section 3 of the Act;

railway infrastructure includes railway track, associated track structures, over or under track structures, supports (including supports for equipment or items associated with the use of a railway), tunnels, bridges, stations, platforms and workshops;

response has the meaning given in paragraph (c) of the definition of “emergency management” in section 3 of the Act;

ship has the meaning given in the *Navigation Act 1912* (Commonwealth) section 6(1).

[Regulation 14 inserted in Gazette 12 Jan 2007 p. 50-1; amended in Gazette 18 Mar 2008 p. 867; 13 Jan 2009 p. 55-6; 10 Sep 2010 p. 4345.]

15. Events, situations and conditions prescribed as hazards

In addition to the events prescribed in paragraphs (a) to (e) of the definition of “hazard” in section 3 of the Act, the following events, situations or conditions are prescribed to be hazards —

- (a) persons lost or in distress on land, requiring significant coordination of search operations;
- (b) persons lost or in distress on inland waterways within the limits of a port or in a fishing vessel or pleasure craft within the limits of a port or at sea;
- (c) radiation escape from nuclear powered warship;

- (d) space re-entry debris;
- (e) injury or threat to life of persons trapped by the collapse of a structure or landform;
- (f) actual or impending spillage, release or escape of a chemical, biological, radiological or other substance that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment;
- (g) human epidemic;
- (h) the presence of —
 - (i) an animal or plant pest; or
 - (ii) an animal or plant disease;
- (i) actual or impending event involving a ship that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment;
- (j) actual or impending spillage, release or escape of oil or an oily mixture that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment;
- (k) loss of or interruption to the supply of natural gas, or liquid fuel as defined in the *Liquid Fuel Emergency Act 1984* (Commonwealth) section 3(1), that is capable of causing or resulting in loss of life, prejudice to the safety, or harm to the health, of a person.

[Regulation 15 inserted in Gazette 12 Jan 2007 p. 51; amended in Gazette 18 Mar 2008 p. 867; 29 Apr 2008 p. 1577-8; 10 Sep 2010 p. 4345; 3 Dec 2010 p. 6056.]

16. Hazard management agency — Commissioner of Police

- (1) The Commissioner of Police is the hazard management agency for the emergency management aspects set out in subregulation (2)(a) of the following hazards —

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- (a) air crash;
 - (b) road crash;
 - (c) persons lost or in distress on land, requiring significant coordination of search operations;
 - (d) persons lost or in distress on inland waterways within the limits of a port or in a fishing vessel or pleasure craft within the limits of a port or at sea;
 - (e) radiation escape from nuclear powered warship;
 - (f) space re-entry debris;
 - (g) a terrorist act as defined in *The Criminal Code* section 100.1 set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.
- (2) The Commissioner of Police is the hazard management agency for the hazards set out in subregulation (1)(a) to (f) —
- (a) for the aspects of preparedness and response; and
 - (b) for the whole of the State.
- (3) The Commissioner of Police is the hazard management agency for the hazards set out in subregulation (1)(g) —
- (a) for the aspects of preparedness, prevention and response; and
 - (b) for the whole of the State.

[Regulation 16 inserted in Gazette 12 Jan 2007 p. 51-2; amended in Gazette 13 Jan 2009 p. 56.]

17. Hazard management agency — FESA

- (1) In this regulation —
- FESA** means the Fire and Emergency Services Authority of Western Australia established by the *Fire and Emergency Services Authority of Western Australia Act 1998* section 4.

- (2) FESA is the hazard management agency for the emergency management aspects set out in subregulation (3)(a) of the following hazards —
 - (a) injury or threat to life of persons trapped by the collapse of a structure or landform;
 - (b) cyclone;
 - (c) earthquake;
 - (d) flood;
 - (e) storm;
 - (f) tsunami;
 - (g) actual or impending spillage, release or escape of a chemical, radiological or other substance that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment.
- (3) FESA is the hazard management agency for the hazards set out in subregulation (2) —
 - (a) for the aspects of preparedness and response; and
 - (b) for the whole of the State.
- (4) FESA is the hazard management agency for the hazard of fire —
 - (a) for the emergency management aspect of response; and
 - (b) for the whole of the State.

[Regulation 17 inserted in Gazette 12 Jan 2007 p. 52; amended in Gazette 3 Dec 2010 p. 6057.]

18. Hazard management agency —State Human Epidemic Controller

The State Human Epidemic Controller, Department of Health, is the hazard management agency of the hazard of human epidemic —

- (a) for the emergency management aspects of preparedness, prevention and response; and

(b) for the whole of the State.

*[Regulation 18 inserted in Gazette 18 Mar 2008 p. 867;
amended in Gazette 13 Jan 2009 p. 56.]*

19. Hazard management agency — Agriculture Director General

(1) In this regulation —

Agriculture Director General means the Director General as defined in the *Biosecurity and Agriculture Management Act 2007* section 6.

(2) The Agriculture Director General is the hazard management agency of the hazard set out in regulation 15(h) —

(a) for the emergency management aspects of preparedness and response; and

(b) for the whole of the State.

[Regulation 19 inserted in Gazette 29 Apr 2008 p. 1578.]

20. Hazard management agency — Public Transport Authority

(1) In this regulation —

Public Transport Authority means the Public Transport Authority of Western Australia established by the *Public Transport Authority Act 2003* section 5(1).

(2) The Public Transport Authority is the hazard management agency of the hazard rail crashes —

(a) for emergency management; and

(b) for that area of the State comprising any parcel of land other than corridor land on which railway infrastructure controlled, operated, maintained or managed by the Authority is situated.

[Regulation 20 inserted in Gazette 13 Jan 2009 p. 56-7.]

21. Hazard management agency — WestNet Rail Pty Limited

WestNet Rail Pty Limited is the hazard management agency of the hazard rail crashes —

- (a) for emergency management; and
- (b) for that area of the State comprising any parcel of land or corridor land on which railway infrastructure operated, maintained or managed by WestNet Rail Pty Limited is situated.

[Regulation 21 inserted in Gazette 13 Jan 2009 p. 57.]

22. Hazard management agency — State Health Coordinator

- (1) The State Health Coordinator, Department of Health, is the hazard management agency of the hazard actual or impending spillage, release or escape of a biological substance that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment —
 - (a) for the emergency management aspects of prevention, preparedness and response; and
 - (b) for the whole of the State.
- (2) The State Health Coordinator, Department of Health, is the hazard management agency of the hazard actual or impending spillage, release or escape of a radiological substance that is capable of causing loss of life, injury to a person or damage to the health of a person, property or the environment —
 - (a) for the emergency management aspect of prevention; and
 - (b) for the whole of the State.

[Regulation 22 inserted in Gazette 13 Jan 2009 p. 57.]

23A. Hazard management agency — Marine Safety, General Manager

- (1) In this regulation —

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waters of the State 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).
- (2) The Marine Safety, General Manager, Department of Transport is the hazard management agency of the hazard set out in regulation 15(i) —
- (a) for emergency management; and
 - (b) for the following area or areas —
 - (i) the waters of the State;
 - (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.
- (3) Despite regulation 17(3), the Marine Safety, General Manager, Department of Transport is the hazard management agency of the hazard set out in regulation 15(j) —
- (a) for emergency management; and
 - (b) for the following area or areas —
 - (i) the waters of the State;
 - (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.

[Regulation 23A inserted in Gazette 10 Sep 2010 p. 4345-6.]

23B. Hazard management agency — Coordinator of Energy

The Coordinator as defined in the *Energy Coordination Act 1994* section 3(1) is the hazard management agency of the hazards set out in regulation 15(k) —

- (a) for the aspects of preparedness and response; and
- (b) for the whole State.

[Regulation 23B inserted in Gazette 3 Dec 2010 p. 6056.]

Part 4 — Exchange of information

[Heading inserted in Gazette 19 Feb 2010 p. 661.]

23. Prescribed relevant information

For the purpose of the definition of *relevant information* in section 72(1) of the Act, each of the following kinds of information is prescribed —

- (a) information about the loss suffered by a person, the assistance requested by a person and the assistance provided to or approved for a person;
- (b) information about the owner or occupier of real property;
- (c) information relating to a person's finances or insurance.

[Regulation 23 inserted in Gazette 19 Feb 2010 p. 661-2.]

24. Disclosure of relevant information

- (1) During an emergency situation or state of emergency, a hazard management officer or an authorised officer may disclose relevant information to a person or entity engaged by an emergency management agency to provide welfare services.
- (2) An agency to which relevant information is disclosed under section 72(2)(a)(i) of the Act must not further disclose that information unless it is reasonably necessary to do so for a purpose related to emergency management.
Penalty: a fine of \$1 000.
- (3) A person or entity to which relevant information is disclosed under section 72(2)(a)(ii) of the Act must not further disclose that information unless it is reasonably necessary to do so for a purpose related to emergency management.
Penalty: a fine of \$1 000.

[Regulation 24 inserted in Gazette 19 Feb 2010 p. 662.]

25. Storing relevant information

An agency, person or entity to which relevant information is disclosed under section 72(2)(a) of the Act must ensure that that information is kept in a secure manner so far as it is reasonably practicable to do so.

Penalty: a fine of \$1 000.

[Regulation 25 inserted in Gazette 19 Feb 2010 p. 662.]

Notes

¹ This is a compilation of the *Emergency Management Regulations 2006* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Emergency Management Regulations 2006</i>	21 Apr 2006 p. 1582-4	21 Apr 2006
<i>Emergency Management Amendment Regulations 2006</i>	12 Jan 2007 p. 50-2	12 Jan 2007
<i>Emergency Management Amendment Regulations 2008</i>	18 Mar 2008 p. 866-7	r. 1 and 2: 18 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Mar 2008 (see r. 2(b))
Reprint 1: The <i>Emergency Management Regulations 2006</i> as at 18 Apr 2008 (includes amendments listed above)		
<i>Emergency Management Amendment Regulations (No. 2) 2008</i>	29 Apr 2008 p. 1577-8	r. 1 and 2: 29 Apr 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Apr 2008 (see r. 2(b))
<i>Emergency Management Amendment Regulations (No. 3) 2008</i>	13 Jan 2009 p. 55-7	r. 1 and 2: 13 Jan 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jan 2009 (see r. 2(b))
<i>Emergency Management Amendment Regulations (No. 2) 2009</i>	19 Feb 2010 p. 661-2	r. 1 and 2: 19 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Feb 2010 (see r. 2(b))
<i>Emergency Management Amendment Regulations 2010</i>	10 Sep 2010 p. 4344-6	r. 1 and 2: 10 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Sep 2010 (see r. 2(b))
<i>Emergency Management Amendment Regulations (No. 2) 2010</i>	3 Dec 2010 p. 6055-6	r. 1 and 2: 3 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2010 (see r. 2(b))
<i>Emergency Management Amendment Regulations (No. 3) 2010</i>	3 Dec 2010 p. 6056-7	r. 1 and 2: 3 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2010 (see r. 2(b))

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Agriculture Director General	19
corridor land.....	14
FESA.....	17(1)
preparedness.....	14
prevention	14
Public Transport Authority	20(1)
railway infrastructure	14
response	14
ship.....	14
waters of the State	23A