



Western Australia

Emergency Management Act 2005

Emergency Management Regulations 2006

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 7 March 2014

Emergency Management Act 2005

Emergency Management Regulations 2006

Part 1 — Preliminary

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

2. Appointment by Minister of members of SEMC (Act s. 13(2))

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 not more than 7 other members appointed by the Minister.

[Regulation 2 inserted: Gazette 29 Jan 2013 p. 330.]

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; or
 - [(b) deleted]*
 - (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; or
 - (b) has misbehaved; or
 - (c) is incompetent; or
 - (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.

[Regulation 4 amended: Gazette 29 Jan 2013 p. 330.]

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.

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 for acts etc. of deputies

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 meetings

- (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 by telephone etc.

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: Gazette 12 Jan 2007 p. 50.]

14. Terms used

In this Part —

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

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;

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

[Regulation 14 inserted: Gazette 12 Jan 2007 p. 50-1;
amended: Gazette 18 Mar 2008 p. 867; 13 Jan 2009 p. 55-6;
10 Sep 2010 p. 4345; 29 Jan 2013 p. 330.]

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;
 - (l) loss of or interruption to the supply of electricity 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: Gazette 12 Jan 2007 p. 51; amended: Gazette 18 Mar 2008 p. 867; 29 Apr 2008 p. 1577-8; 10 Sep 2010 p. 4345; 3 Dec 2010 p. 6056; 15 Oct 2013 p. 4673.]

16. Hazard management agency — Commissioner of Police

- (1) The Commissioner of Police is the hazard management agency for emergency management of the following hazards for the whole of the State —
 - (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) deleted]

*[Regulation 16 inserted: Gazette 12 Jan 2007 p. 51-2;
amended: Gazette 13 Jan 2009 p. 56; 29 Jan 2013 p. 330.]*

17. Hazard management agency — FES Commissioner

- (1) In this regulation —
FES Commissioner means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*.
- (2) The FES Commissioner is the hazard management agency for emergency management of the following hazards for the whole of the State —
 - (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;

(h) fire.

[Regulation 17 inserted: Gazette 12 Jan 2007 p. 52; amended: Gazette 3 Dec 2010 p. 6057; 31 Oct 2012 p. 5254; 29 Jan 2013 p. 331.]

18. Hazard management agency — State Human Epidemic Controller

The State Human Epidemic Controller, Department of Health, is the hazard management agency for emergency management of the hazard of human epidemic for the whole of the State.

[Regulation 18 inserted: Gazette 29 Jan 2013 p. 331.]

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 for emergency management of the hazard set out in regulation 15(h) for the whole of the State.

[Regulation 19 inserted: Gazette 29 Apr 2008 p. 1578; amended: Gazette 29 Jan 2013 p. 331.]

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: Gazette 13 Jan 2009 p. 56-7.]

21. Hazard management agency — Brookfield Rail Pty Limited

Brookfield 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 Brookfield Rail Pty Limited is situated.

[Regulation 21 inserted: Gazette 13 Jan 2009 p. 57; amended: Gazette 13 Mar 2012 p. 1034.]

22. Hazard management agency — State Health Coordinator

The State Health Coordinator, Department of Health, is the hazard management agency for emergency management of the following hazards for the whole of the State —

- (a) 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;
- (b) heatwave.

[Regulation 22 inserted: Gazette 29 Jan 2013 p. 331-2.]

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

- (1) In this regulation —
- 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(2), 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: Gazette 10 Sep 2010 p. 4345-6;
amended: Gazette 29 Jan 2013 p. 332.]

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 for emergency management of the hazards set out in regulation 15(k) and (l) for the whole of the State.

*[Regulation 23B inserted: Gazette 29 Jan 2013 p. 332;
amended: Gazette 15 Oct 2013 p. 4674.]*

Part 4 — Exchange of information

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

23. Prescribed relevant information (Act s. 72)

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: Gazette 19 Feb 2010 p. 661-2.]

24. Disclosure of relevant information (Act s. 72(2))

- (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: Gazette 19 Feb 2010 p. 662.]

25. Storing disclosed relevant information (Act s. 72(2))

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: Gazette 19 Feb 2010 p. 662.]

Part 5 — Combat agencies and support organisations

[Heading inserted: Gazette 19 Jul 2011 p. 2985.]

26. Combat agency — Department of Health

The Department of Health is a combat agency responsible for the emergency management activity of providing health services.

[Regulation 26 inserted: Gazette 19 Jul 2011 p. 2985.]

27. Combat agency — St John Ambulance Australia (Western Australia) Incorporated

St John Ambulance Australia (Western Australia) Incorporated is a combat agency responsible for the emergency management activity of providing health services.

[Regulation 27 inserted: Gazette 19 Jul 2011 p. 2986.]

28. Combat agency — Police Force of Western Australia

The Police Force of Western Australia is a combat agency responsible for the emergency management activity of disaster victim identity management.

[Regulation 28 inserted: Gazette 19 Jul 2011 p. 2986.]

29. Combat agency — Police Service

The Police Service is a combat agency responsible for the emergency management activity of disaster victim identity management.

[Regulation 29 inserted: Gazette 19 Jul 2011 p. 2986.]

30. Combat agency — Department of Environment and Conservation

The Department of Environment and Conservation² is a combat agency responsible for the emergency management activity of fire suppression.

[Regulation 30 inserted: Gazette 19 Jul 2011 p. 2986.]

31. Combat agency — local government

A local government is a combat agency responsible for the emergency management activity of fire suppression.

[Regulation 31 inserted: Gazette 19 Jul 2011 p. 2986.]

32. Support organisation — Department for Child Protection

The Department for Child Protection³ is a support organisation responsible for the emergency management activity of providing welfare services.

[Regulation 32 inserted: Gazette 19 Jul 2011 p. 2986.]

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Notes

¹ This reprint is a compilation as at 7 March 2014 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))

Citation	Gazettal	Commencement
<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))
Reprint 2: The Emergency Management Regulations 2006 as at 1 Apr 2011 (includes amendments listed above)		
<i>Emergency Management Amendment Regulations 2011</i>	19 Jul 2011 p. 2985-6	r. 1 and 2: 19 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Jul 2011 (see r. 2(b))
<i>Emergency Management Amendment Regulations 2012</i>	13 Mar 2012 p. 1034-5	r. 1 and 2: 13 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Mar 2012 (see r. 2(b))
<i>Emergency Management Amendment Regulations (No. 2) 2012</i>	31 Oct 2012 p. 5253-4	r. 1 and 2: 31 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2012 (see r. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Emergency Management Amendment Regulations (No. 3) 2012</i>	29 Jan 2013 p. 329-32	r. 1 and 2: 29 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2013 (see r. 2(b))
<i>Emergency Management Amendment Regulations 2013</i>	15 Oct 2013 p. 4673-4	r. 1 and 2: 15 Oct 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Oct 2013 (see r. 2(b))
Reprint 3: The Emergency Management Regulations 2006 as at 7 Mar 2014 (includes amendments listed above)		

² Under the *Alteration of Statutory Designations Order (No. 2) 2013* a reference in any law to the Department of Environment and Conservation is to be read and construed as a reference to the Department of Parks and Wildlife.

³ Under the *Alteration of Statutory Designations Order (No. 5) 2013* a reference in any law to the Department of Child Protection is to be read and construed as a reference to the Department of Child Protection and Family Support.

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(1)
corridor land.....	14
FES Commissioner	17(1)
Public Transport Authority	20(1)
railway infrastructure	14
ship.....	14
waters of the State.....	23A(1)