
FIRE AND EMERGENCY SERVICES

FE301*

Emergency Management Act 2005

Emergency Management Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Emergency Management Regulations 2006*.

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or (b), the chief executive officer who nominated the member advises the Minister in writing that the nomination is withdrawn; or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.

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.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
