

Western Australia

Emergency Management Act 2005

Emergency Management Regulations 2006

As at 30 Apr 2008

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Emergency Management Regulations 2006

CONTENTS

Part 1 — Preliminary		
1.	Citation	1
Part 2 — The State Emergency Management Committee		
2.	Membership of the SEMC	2
3.	Term of office	2
4.	Vacancies	3
5.	Leave of absence	3
6.	Chairman unable to act	3
7.	Deputy members	4
8.	Saving	4
9.	Calling of meeting	4
10.	Quorum	4
11.	Minutes	5
12.	Holding meetings remotely	5
13.	Resolution without meeting	5
Part 3 — Hazard management		
14.	Meaning of terms in this Part	6
15.	Events, situations and conditions prescribed as hazards	6
16.	Hazard management agency — Commissioner of Police	7
17.	Hazard management agency — FESA	7
18.	Hazard management agency — State Health Coordinator	8

Contents

19.	Hazard management agency — Agriculture Director General	8
	Notes	
	Compilation table	10
	Defined Terms	

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 —

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

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

*[Regulation 14 inserted in Gazette 12 Jan 2007 p. 50-1;
amended in Gazette 18 Mar 2008 p. 867.]*

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.

[Regulation 15 inserted in Gazette 12 Jan 2007 p. 51; amended in Gazette 18 Mar 2008 p. 867; 29 Apr 2008 p. 1577-8.]

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

[Regulation 16 inserted in Gazette 12 Jan 2007 p. 51-2.]

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.

r. 18

- (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.

[Regulation 17 inserted in Gazette 12 Jan 2007 p. 52.]

18. Hazard management agency — State Health Coordinator

The State Health Coordinator, Department of Health, is the hazard management agency of the hazard of human epidemic —

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

[Regulation 18 inserted in Gazette 18 Mar 2008 p. 867.]

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.]

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))

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
FESA.....	17(1)
preparedness.....	14
response	14