

## **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.