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Hon Reece Whitby MLA
Minister for Emergency Services
7th Floor, Dumas House
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Dear Minister

AMENDMENTS TO THE EMERGENCY MANAGEMENT AMENDMENT (COVID-19 RESPONSE) ACT 2020 AND CRIMINAL CODE AMENDMENT (COVID-19 RESPONSE) ACT 2020 – APPROVAL TO DRAFT AND PRINT

The *Emergency Management Amendment (COVID-19 Response) Act 2020* (Amendment Act) made a number of amendments to the *Emergency Management Act 2005* (EMA). Section 9 of the Amendment Act introduced section 72A into the EMA to provide a “catch-all” power that enables a hazard management officer or authorised officer to effectively manage the response to an emergency with the ability to direct a person or class of persons to take any action the officer considers reasonably necessary to prevent, control or abate the risks associated with the emergency.

Further, the *Criminal Code Amendment (COVID-19 Response) Act 2020* amended *The Criminal Code* to increase the maximum penalties for the offences of serious assault and threats committed against public officers, including front line workers, in the context of COVID-19. The increased penalties sought to reflect the seriousness of such assaults.

Both amendments came into effect on 4 April 2020, referred to as the sunset date, for a period of 12 months. The deletion of section 72A was initially to occur on 4 April 2021, being 12 months after the day on which the Amendment Act received Royal Assent, but was extended to 4 July 2021 under the *COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Act 2020*.

The intent of the sunset date was to ensure that section 72A would apply to the circumstances of an appropriate response to the COVID-19 pandemic. As you aware, a Cabinet Submission has been prepared to extend the sunset date that applies to section 72A of the EMA. In my capacity as State Emergency Coordinator, I endorse the submission for the sunset date to be extended by no less than 6 months.

Yours sincerely

CHRIS DAWSON
COMMISSIONER OF POLICE
STATE EMERGENCY COORDINATOR

27 April 2021