

ITEM NUMBER: 3.2

MEETING DATE: 7 May 2021

TITLE: Utilisation of the *Emergency Management Act 2005* and *Public Health Act 2016* in response to COVID-19

AGENDA ITEM SPONSOR: Dr Ron Edwards, Chairperson

PREPARED BY: Taryn Monteith, SEMC Business Unit

ORGANISATION: Department of Fire and Emergency Services

STRATEGIC ALIGNMENT: Governance- Ensure robust emergency management arrangements are in place.

RESOLUTION:

The State Emergency Management Committee to:

1. **Note** the presentation and accompanying paper on the utilisation of the Emergency Management Act and Public Health Act.

BACKGROUND

The *Emergency Management Act 2005* (EM Act) provides for the prompt coordination of management of emergency incidents arising from prescribed hazards in Western Australia. The EM Act encompasses prevention, preparedness, response and recovery and establishes the responsibilities of state and local agencies.

The EM Act provides for additional powers to be available in particular circumstances through *emergency situation declarations* (section 50) and *state of emergency declaration* (section 56). Emergency situations are often declared in respect of fires, cyclones and floods, but a state of emergency declaration was made for the first time in March 2020. A public health state of emergency was also declared under the *Public Health Act 2016* (PH Act). Figure i illustrates the use of emergency situation declarations for different events over the past 14 years.

On the 4 April 2020, the EM Act was amended to strengthen the powers available to the State to respond to COVID-19 and future emergencies, including the insertion of section 72A which gave greater strengths to directions issued under the EM Act. A 12-month 'sunset clause' was attached to section 72A, which has subsequently been extended to 4 July 2021.

CURRENT SITUATION

Since the March 2020 state of emergency declaration, provisions and powers under the EM Act have been used extensively. Over 260 directions have been made during this period. A

direction notice may utilise one or more sections of the EM or PH Act and in circumstances when an end date is not specified, the direction must be revoked by publishing a subsequent direction. Directions utilising s 67 *Powers concerning movement and evacuation*, is one such example; Directions using s 67 are frequently revoked and changed in response to the situations and therefore a high number of directions are published utilizing this section of the EM Act.

The SEMC Business Unit has collated a report of the directions published on the WA Government website and analysed the use of different sections of the EM Act. A simple chart of this analysis is provided at Figure ii, with a number of key events overlaid to provide context.

The chart illustrates the number of sections within the EM Act that have been utilised and highlights those parts that have been used most frequently. The figure demonstrates the importance of the EM Act in managing external threats, notably Sections 67, 70 and 72A have been used more frequently since the lifting of the hard interstate borders in response to the changing interstate environment.

Further observations and analysis will be provided in a presentation at the SEMC meeting to inform the SEMC regarding the use and function of the EM Act.

CONSULTATION

Nil

COMMUNICATION

Nil

ATTACHMENTS:

Figure i Prescribed EM Hazard Declarations

Figure ii Sections of the Act issued to issue Directions during the SOE

FIGURE I

PREScribed EM HAZARD EMERGENCY DECLARATIONS

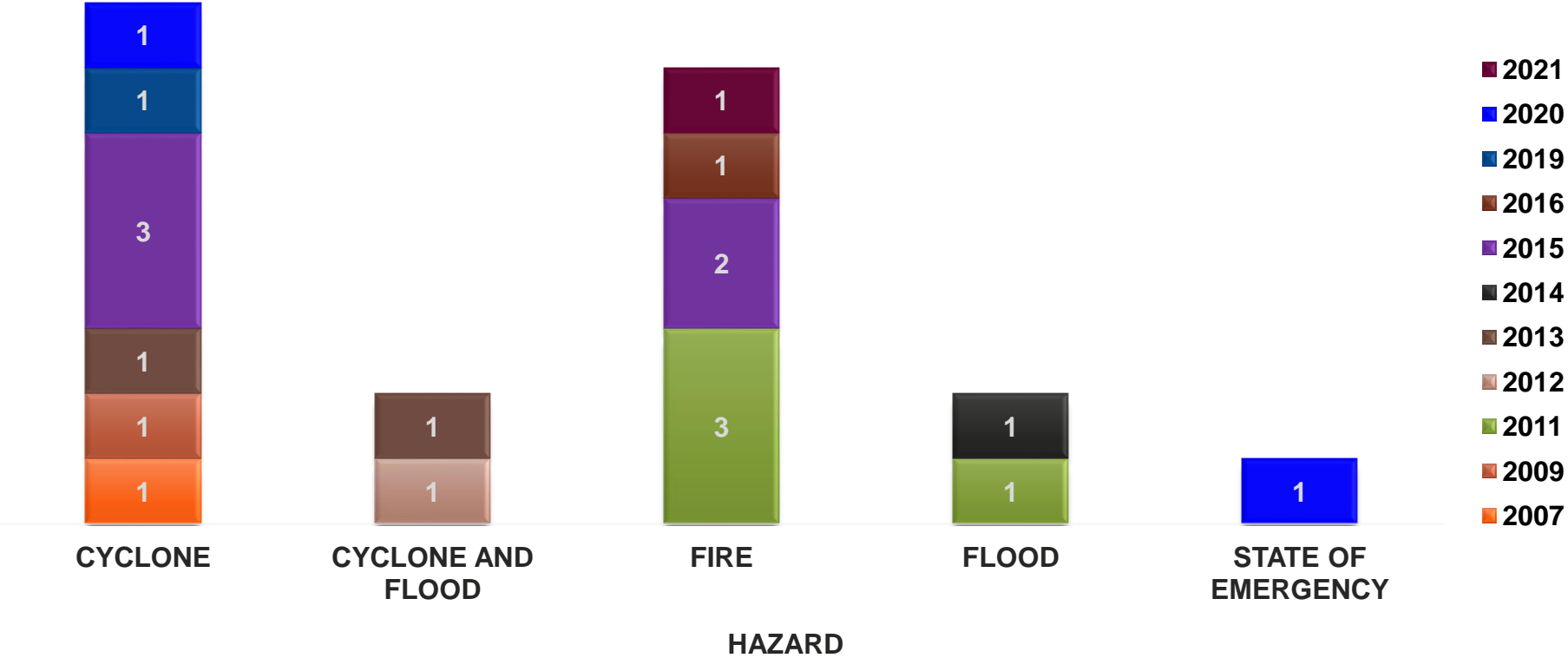


FIGURE 2

SECTIONS OF THE ACT USED TO ISSUE DIRECTIONS

