

FACT SHEET

Emergency Management Amendment Bill 2018

This Bill amends the *Emergency Management Act 2006* following a number of reviews:

- Review of the Act in 2012 by the Department of Police, Fire and Emergency Management;
- Independent review of Tasmania's emergency management arrangements by the Department of Justice in 2015, initiated as a result of the 2013 Tasmanian Bushfire Inquiry; and
- Review of State recovery arrangements by the Department of Premier and Cabinet following the 2016 Tasmanian flood emergencies.

In summary, the amendments:

- Improve high level governance by providing a standing Ministerial Emergency Management Committee, chaired by the Premier;
- Simplify and provide greater flexibility with the authorisation of emergency powers by:
 - Allowing the State Emergency Management Controller to authorise the exercise of all emergency powers of a specified authorised officer if the type of emergency powers for a developing emergency are initially unclear; and
 - Clarifying that emergency powers can be authorised on occasions where there is a significant threat of an emergency, in case the powers are needed to make adequate preparations.
- Provide a forward looking capacity to authorise emergency powers in the event that an emergency is likely to occur and there are reasonable grounds for the exercise of those powers. The pre-conditions for authorising emergency powers will specifically include occasions where there is a significant threat of an emergency;
- Simplify and provide greater flexibility with the declaration of a state of emergency by removing the condition that the Premier must be satisfied that the authorisation of emergency powers without a declaration of a state of emergency is insufficient, or may be insufficient, to manage the emergency;
- Provide a forward looking or pre-emptive declaration of a state of emergency and a graduated scale of emergency by:
 - Clarifying that a state of emergency can be declared on occasions where there is a significant threat of an emergency; and
 - Making new provisions allowing the State Controller to declare a state of alert if satisfied that there is a significant threat of an emergency in Tasmania, or an emergency is occurring elsewhere in Australia that may impact on Tasmania. During a state of alert, Regional Controllers are enabled (unless otherwise stated) to authorise emergency powers which provides greater flexibility and will further simplify arrangements for emergency powers.

- Clarify municipal emergency management functions and responsibilities, such as the need for Municipal Coordinators to establish and coordinate evacuation and recovery centres. Create new positions, called Municipal Recovery Coordinators to perform specific functions in relation to municipal-level recovery;
- Enhance emergency management provisions by specifically including a new Division for the administration of recovery arrangements. The new Division will establish:
 - A State Recovery Advisor with associated functions and powers. Unless otherwise determined by the Premier, this position will be the Secretary responsible to the Premier;
 - A Recovery Taskforce, established by the Secretary responsible to the Premier, when determined necessary by the Premier;
 - A State Recovery Coordinator, appointed by the Premier for a specified term, with functions specified in the instrument of appointment;
 - Recovery Committees for the coordination of recovery and engagement with affected communities. Direction on the chairperson, membership and terms of reference will come from the Ministerial Committee, State Controller, State Recovery Advisor or State Recovery Coordinator;
 - Transitional arrangements for the transfer of responsibility of recovery from the State Controller to the relevant recovery authority; and
 - Municipal Recovery Coordinators with associated functions and powers.
- Reflect the desired name change of the Tasmanian Emergency Management Plan to Tasmanian Emergency Management Arrangements (TEMA);
- Provide added consistency and flexibility across different levels by granting Regional and Municipal Emergency Management Committees the same power as the State Emergency Management Committee to establish subcommittees;
- Provide added flexibility to appoint any suitable person to be the Executive Officers of State and Regional Emergency Management Committees, instead of the role automatically defaulting to State Emergency Service personnel, who may otherwise have significant operational responsibilities depending on the type of emergency;
- Provide added flexibility by allowing the appointment of any suitable person to be the Executive Officers for Municipal Emergency Management Committees, instead of the role automatically defaulting to Municipal Emergency Management Coordinators, who may otherwise have significant operational/coordination responsibilities;
- Clarify the need for authorities at each level to report to higher authority on matters relating to their functions and powers, instead of just functions;
- Overcome confusion about the approval authority for Regional Controller appointments on occasions when they are not appointed by the Minister. In these circumstances, the Commissioner of Police will continue to “determine” a suitable police officer for the role of Regional Controller, however the State Controller will then “approve” the appointment;

- Authorise the Deputy State Controller, Deputy Regional Controllers or Deputy Municipal Coordinators to sub delegate any functions and powers that have been delegated to them, as Deputies, by their State Controller, Regional Controller or Municipal Coordinator, respectively;
- Correct a previous drafting error that created a double negative within the provisions relating to time limitations for declaring a state of emergency;
- Refine and update the definition of “emergency management” by incorporating additional measures such as “resist” and “adapt to” an emergency, which relate to building resilience against emergencies;
- Provide clarity that emergency management volunteers, authorised to deploy outside Tasmania to conduct emergency management or rescue and retrieval operations, will receive the same workers compensation protections as employees under the *Workers Rehabilitation and Compensation Act 1988*;
- Update nomenclature for Deputy State Controller appointments from “Deputy for the Head of Agency” to “Deputy Commissioner of Police” following a recent restructure within the Department of Police, Fire and Emergency Management;
- Improve relief, recovery and reconstruction powers by including a new emergency power to remove debris from, or demolish, damaged premises, if the removal or demolition is necessary to avert an emergency, or to minimise the possibility of aggravating an emergency or effects of an emergency. The same notice for entry provisions apply as for the exercise of other emergency powers relating to premises;
- Incorporate a number of consequential amendments, such as supporting interpretations, inclusion of new nomenclature and transitional provisions.

The amendments will commence upon Royal Assent.