

Authorised Version No. 014
Emergency Services Telecommunications
Authority Act 2004

No. 98 of 2004

Authorised Version incorporating amendments as at
1 July 2014

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to make provision for certain emergency services telecommunications services and other communications services by the establishment of an authority and the enactment of other related provisions.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

S. 2(1)
amended by
No. 5/2012
s. 111(1).

(2) If a provision of this Act does not come into operation before 1 January 2006, it comes into operation on that day.

S. 2(2)
amended by
No. 5/2012
s. 111(1).

* * * * *

S. 2(3)
repealed by
No. 5/2012
s. 111(2).

3 Definitions

In this Act—

advisory committee means the advisory committee appointed under section 21;

S. 3 def. of
*Ambulance
Victoria*
inserted by
No. 5/2012
s. 112(c).

Ambulance Victoria has the same meaning as
Ambulance Service—Victoria has in
section 3(1) of the **Ambulance Services Act
1986**;

S. 3 def. of
*applicable
work program*
inserted by
No. 73/2013
s. 82(b).

applicable work program means a work program
(within the meaning of the **Emergency
Management Act 2013**) that applies to the
Authority;

Authority means the Emergency Services
Telecommunications Authority established
under Division 1 of Part 2;

call taking and dispatch services means the
services of—

- (a) taking, listening to and recording calls
from the public or a member of an
emergency services and other related
services organisation, being calls in
which assistance is sought of an
emergency services and other related
services organisation; and
- (b) communicating the information given
in such calls to the persons in
emergency services and other related
services organisations that are
designated to respond to the calls and
recording any such communication of
information;

S. 3 def. of
*Commis-
sioner*
repealed by
No. 73/2013
s. 82(a).

* * * * *

Corporate plan means a plan prepared by the
Authority under Division 1 of Part 4 and
approved by the Minister under that
Division;

Country Fire Authority has the same meaning as ***Authority*** has in the **Country Fire Authority Act 1958**;

Emergency Communications Victoria means the body known as "Emergency Communications Victoria", established under the **State Owned Enterprises Act 1992** by Order of the Governor in Council published in the special Government Gazette dated 4 June 2002;

Emergency Management Commissioner has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

S. 3 def. of ***Emergency Management Commissioner*** inserted by No. 73/2013 s. 82(b).

emergency services and other related services organisation means any of the following—

- (a) the Country Fire Authority;
- * * * *
- (c) the Metropolitan Fire and Emergency Services Board;
- (d) Ambulance Victoria;
- (e) Victoria Police;
- (f) the Victoria State Emergency Service Authority;
- (g) any government agency;
- (h) any person who is a party to a contract with Emergency Communications Victoria for the provision of emergency or other related services immediately before the commencement of this section;

S. 3 def. of ***emergency services and other related services organisation*** amended by Nos 51/2005 s. 58(4), 5/2012 s. 112(a).

- (i) an organisation that provides services that are related to services provided by organisations specified in paragraphs (a) to (f);
- (j) any other person or body prescribed for the purposes of this definition;

emergency telecommunications and other communications services means either or both of the following—

- (a) call taking and dispatch services; and
- (b) operational communications services;

S. 3 def. of *insolvent under administration* repealed by No. 4/2008 s. 32(Sch. item 7).

* * * * *

S. 3 def. of *Inspector-General for Emergency Management* inserted by No. 73/2013 s. 82(b).

Inspector-General for Emergency Management has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

member means a member of the Authority appointed under section 9;

S. 3 def. of *Metropolitan Ambulance Service* repealed by No. 5/2012 s. 112(b).

* * * * *

Metropolitan Fire and Emergency Services Board has the same meaning as ***Board*** has in the **Metropolitan Fire Brigades Act 1958**;

operational communications services means services that enable the communication within any emergency services and other related services organisation or between any such organisations about all or any of the following—

- (a) incidents detected by members of an emergency services and other related services organisation that require a response and, when required, reporting back data and information on any such incidents; or
- (b) events, activities or other matters that require the attendance of any emergency services and other related services organisation and, when required, reporting back data and information on any such events, activities or matters; or
- (c) any other operational matters—

when the service is not provided within or by an organisation itself;

* * * * *

S. 3 def. of *Rural Ambulance Victoria* repealed by No. 5/2012 s. 112(b).

State Crisis and Resilience Council has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

S. 3 def. of *State Crisis and Resilience Council* inserted by No. 73/2013 s. 82(b).

S. 3 def. of
*Strategic
Action Plan*
inserted by
No. 73/2013
s. 82(b).

Strategic Action Plan has the same meaning as it
has in section 3 of the **Emergency
Management Act 2013**;

S. 3 def. of
Victoria Police
substituted by
No. 37/2014
s. 10(Sch.
item 55).

Victoria Police has the same meaning as in the
Victoria Police Act 2013;

S. 3 def. of
*Victoria State
Emergency
Service*
substituted as
*Victoria State
Emergency
Service
Authority* by
No. 51/2005
s. 58(5).

Victoria State Emergency Service Authority
means the Victoria State Emergency Service
Authority established under the **Victoria
State Emergency Service Act 2005**.

4 Binding the Crown

This Act binds the Crown in right of Victoria and,
so far as the legislative power of the Parliament
permits, the Crown in all its other capacities.

**PART 2—EMERGENCY SERVICES
TELECOMMUNICATIONS AUTHORITY**

Division 1—Establishment

**5 Establishment of Emergency Services
Telecommunications Authority**

- (1) The Emergency Services Telecommunications Authority is established.
- (2) The Authority—
 - (a) is a body corporate with perpetual succession;
 - (b) has a common seal;
 - (c) may sue and be sued in its corporate name;
 - (d) may acquire, hold and dispose of real and personal property;
 - (e) may do and suffer all things that a body corporate may, by law, do and suffer.
- (3) The common seal must be kept as directed by the Authority and must not be used except as authorised by the Authority.
- (4) All courts must take judicial notice of the common seal on a document and, until the contrary is proved, must presume that the seal was properly affixed.

6 The Authority represents the Crown

The Authority is a public authority that represents the Crown and holds its property on behalf of the Crown.

6A Objective

The objective of the Authority in performing its functions and exercising its powers under this Act is to—

**S. 6A
inserted by
No. 73/2013
s. 83.**

s. 6B

- (a) contribute to a whole of sector approach to emergency management;
- (b) promote a culture within the emergency management sector of community focus, interoperability and public value.

S. 6B
inserted by
No. 73/2013
s. 83.

6B Emergency Management Victoria

The Authority must, in performing its functions and exercising its powers, collaborate and consult with Emergency Management Victoria.

S. 6C
inserted by
No. 73/2013
s. 83.

6C Strategic Action Plan

- (1) The Authority must implement the applicable work program to give effect to the Strategic Action Plan.
- (2) The Authority must prepare a written report on the progress made, and achievements attained, by the Authority to give effect to the Strategic Action Plan at intervals determined by the State Crisis and Resilience Council.
- (3) The intervals must not be less than one a year.
- (4) The Authority must give a copy of a report prepared by the Authority under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management.

Division 2—General functions and powers

7 Functions of the Authority

- (1) The Authority has the following functions—
 - (a) to provide or enable and control the provision by others of emergency telecommunications and other communications services;

-
- (b) to promote and develop policies and procedures to improve the standard and provision of emergency telecommunications and other communications services;
 - (c) to advise the Minister on the administration of this Act and on any other matter referred to the Authority by the Minister;
 - (d) any other functions that are conferred on the Authority by this or any other Act.
- (2) The Authority must carry out its functions under subsection (1) in a manner that ensures that the services provided by the Authority are—
- (a) effective and efficient; and
 - (b) consistent with prudent financial management practices; and
 - (c) safe and secure.
- (3) In carrying out its functions under subsection (1) the Authority must have regard to any advice and recommendations of the advisory committee.
- (4) In carrying out its functions under subsection (1), the Authority must recognise the right of emergency services and other related services organisations to—
- (a) assess and vary their own operational standards; and
 - (b) manage their own resources; and
 - (c) assume direct control of communications in the event of incidents and emergencies.

8 Powers of the Authority

- (1) The Authority has all the powers necessary to perform its functions.

-
- (2) Without limiting subsection (1), the Authority may—
- (a) enter into contracts, agreements and arrangements;
 - (b) employ staff, appoint agents and engage persons to provide services;
 - (c) exercise any other powers conferred on the Authority by this or any other Act.

Division 3—Membership and procedure

9 Membership of the Authority and appointment of members

- (1) The Authority consists of 9 members.
- (2) Of the members of the Authority—
 - (a) the chairperson and 7 other members must be appointed by the Governor in Council on the recommendation of the Minister; and
 - (b) 1 member must be appointed by the Governor in Council on the recommendation of the Minister, after agreement with the Minister administering section 11 of the **Health Services Act 1988**.
- (3) The Minister, in making a recommendation to the Governor in Council under subsection (2) as to the appointment of a member must have regard to the following matters—
 - (a) that each member of the Authority should have one or more of the following skills or experience—
 - (i) commercial skills;
 - (ii) technical skills;
 - (iii) operational skills;
 - (iv) legal skills;

- (v) financial skills;
 - (vi) functional skills;
 - (vii) any other relevant skills;
 - (viii) significant experience in an emergency services sector; and
- (b) that each member of the Authority must not be a member of any other emergency services and other related services organisation.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

S. 9(4)
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 66),
80/2006
s. 26(Sch.
item 31).

10 Terms and conditions of appointment

- (1) A member holds office for the period, not exceeding 3 years that is specified in the instrument of his or her appointment and is eligible for re-appointment.
- (2) A member is entitled to be paid the remuneration and travelling and other expenses that are determined by the Governor in Council.

11 Removal and resignation

- (1) A member may resign by writing signed by that person and delivered to the Governor in Council.
- (2) The Governor in Council, on the recommendation of the Minister, may remove a member, or all members, from office.
- (3) The Minister must recommend the removal of a member if the Minister is satisfied that the member—

- (a) has been absent, without the approval of the Authority, from 3 consecutive meetings of the Authority; or
- (b) has been convicted or found guilty of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
- (c) is an insolvent under administration within the meaning of the Corporations Act.

12 Acting appointments to the Authority

(1) When—

- (a) the office of the chairperson of the Authority is vacant; or
- (b) the chairperson of the Authority is absent from Victoria or otherwise unable to perform the duties of the office—

the Governor in Council, on the recommendation of the Minister, may appoint a person to act in the office of chairperson.

- ### **(2) A person who is appointed under subsection (1) to act in the office of chairperson of the Authority has and may exercise all the powers, and must perform all the duties, of the office.**

(3) When—

- (a) the office of a member is vacant; or
- (b) a member is absent from Victoria or is, for any reason, unable to attend meetings of the Authority or otherwise unable to perform the duties of the office—

the Governor in Council, on the recommendation of the Minister, may appoint a person to act in that office.

-
- (4) A person who is appointed under subsection (3) to act in the office of a member has and may exercise all the powers, and must perform all the duties, of the office.

13 Immunity of members of Authority

- (1) A member of the Authority is not personally liable for anything done or omitted to be done in good faith—
- (a) in the exercise of a power or the discharge of a duty under this Act or the regulations; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act or the regulations.
- (2) Any liability resulting from an act or omission that would, but for subsection (1), attach to a member of the Authority attaches instead to the Authority.

14 Procedure of the Authority

- (1) The chairperson of the Authority, or in his or her absence a member elected by the members present, must preside at a meeting of the Authority.
- (2) A majority of members of the Authority for the time being constitutes a quorum of the Authority.
- (3) A question arising at a meeting of the Authority must be determined by a majority of votes of the members present at the meeting and voting on that question and, if the voting is equal, the person presiding has a casting, as well as a deliberative, vote.
- (4) Except as otherwise provided in this Division or in the regulations, the procedure of the Authority is in the discretion of the Authority.

15 Resolutions without meetings

- (1) If the members (other than a member who is absent from Australia when the other members sign) sign a document that those members are in favour of a resolution in terms set out in the document, a resolution in those terms must be taken to have been passed at a meeting of the Authority held on the day on which the document is signed, or, if the members do not sign on the same day, on the day on which the last member to sign signs the document.
- (2) If a resolution is, under subsection (1), taken to have been passed at a meeting of the Authority, each member must be advised as soon as practicable and given a copy of the terms of the resolution.
- (3) For the purposes of subsection (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members, must be taken to constitute one document.

16 Validity of decisions

An act or decision of the Authority is not invalid by reason only of—

- (a) a defect or irregularity in or in connection with the appointment of a member of the Authority; or
- (b) a vacancy in the membership of the Authority.

17 Members' pecuniary interests

- (1) A member of the Authority who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority must, as soon as practicable after the relevant facts have come to his or her knowledge,

declare the nature of the interest at a meeting of the Authority.

Penalty: 5 penalty units.

- (2) The person presiding at the meeting must cause the declaration to be recorded in the minutes of the meeting.
- (3) A member who has a conflict of interest in a matter—
 - (a) must not be present during any deliberations on the matter; and
 - (b) is not entitled to vote on the matter.
- (4) If a member votes on a matter in contravention of subsection (3)(b), his or her vote must be disallowed.

18 Improper use of information

A person who is, or has been, a member of the Authority must not make improper use of any information, acquired in the course of his or her duties, to obtain directly or indirectly any pecuniary or other advantage for himself or herself or for any other person.

Penalty: 5 penalty units.

19 Delegation by Authority

The Authority may, by instrument, delegate to—

- (a) a member or an employee of the Authority;
or
- (b) a person engaged to provide services to the Authority—

any of its powers other than this power of delegation.

Division 4—Ministerial directions

20 Directions of the Minister

- (1) The Authority is subject to the general direction and control of the Minister in the performance of its functions and the exercise of its powers.
- (2) The Minister may give directions in writing to the Authority in relation to the performance of any of its functions or the exercise of any of its powers.
- (3) The Minister must not give a direction under subsection (1) that affects the operations of an emergency services and other related services organisation unless the Minister has first consulted the Minister responsible for administering that organisation.
- (4) A copy of each direction must be included in the Authority's report of operations for a financial year under Part 7 of the **Financial Management Act 1994**.

PART 3—ADVISORY COMMITTEE

21 Advisory committee

- (1) The Authority must appoint an advisory committee.
- (2) The advisory committee must consist of—
 - (a) a member of the Authority who must be the chairperson of the committee;
 - (b) one person nominated by Victoria Police;
 - (c) one person nominated by Ambulance Victoria;

S. 21(2)(c)
amended by
No. 5/2012
s. 113(a).

* * * * *

S. 21(2)(d)
repealed by
No. 5/2012
s. 113(b).

- (e) one person nominated by the Country Fire Authority;
- (f) one person nominated by the Metropolitan Fire and Emergency Services Board;
- (g) one person nominated by the Victoria State Emergency Service;
- (h) one person nominated by each other emergency services and other related services organisation prescribed under paragraph (j) of the definition of *emergency services and other related services organisation* in section 3;
- (i) if the Authority considers it appropriate, one other person, appointed by the Authority to represent the interests of persons to whom paragraph (i) of the definition *emergency services and other related services organisation* in section 3 applies.

22 Functions of the advisory committee

The functions of the advisory committee are to—

- (a) advise the Authority of any specific requirements of or issues relating to the organisations represented on the committee; and
- (b) carry out any other functions that are conferred on the committee by this Act, by the regulations or by the Authority.

23 Reports by the Authority to the advisory committee

The Authority must for each month of its operations prepare and give to the committee a report setting out—

- (a) the performance of the Authority for that month as measured against the standards determined under section 30; and
- (b) the measures taken to deal with matters raised under section 22(a).

24 Terms of office of members of the advisory committee

- (1) Each member of the advisory committee holds office for the term and on the conditions determined by the Authority, after consultation with the emergency services and other related services organisation that nominated the member for appointment (where the case so requires), and being the terms and conditions that are specified in the member's instrument of appointment.
- (2) The Authority, on the recommendation of the emergency services and other related services organisation that nominated a member of the advisory committee for appointment (where the case so requires), may, at any time, remove the member from office.

25 Travelling and personal expenses of members of the advisory committee

The members of the advisory committee are entitled to receive any travelling and personal expenses that are determined by the Authority.

26 Meetings

- (1) The chairperson of the advisory committee must preside at a meeting of the advisory committee that he or she attends.
- (2) If the chairperson is unable to attend a meeting of the advisory committee, the Authority may nominate a person to act in the chairperson's place and preside at the meeting.
- (3) A person nominated to act as chairperson under subsection (2) has and may exercise all the powers and must perform all the duties of chairperson and is deemed to be a member of the advisory committee for the period for which the person is so appointed to act.
- (4) Except as otherwise provided in this Division or in the regulations, the procedure of the advisory committee is in the discretion of the advisory committee.

PART 4—PARTICULAR FUNCTIONS, POWERS AND DUTIES

Division 1—Corporate plans

27 Corporate plans

- (1) The Authority must, at least once in each year and at any other time if so directed by the Minister, prepare and submit to the Minister for approval a plan for the Authority's operations.
- (2) In preparing a plan under this section the Authority must consult with the advisory committee and have regard to any advice given by the advisory committee.
- (3) A plan under this section must include—
 - (a) the financial information specified in writing by the Minister, including any fees to be determined under section 31(3)(a); and
 - (b) a business plan addressing the matters specified in writing by the Minister; and
 - (c) a report on any other matters that are specified in writing by the Minister.
- (4) The Minister may in relation to a plan prepared under this section—
 - (a) approve the plan; or
 - (b) approve the plan with amendments; or
 - (c) refuse to approve the plan.
- (5) The Authority must advise the Minister if it wishes to perform its functions in a manner inconsistent with a plan approved under this section.

Division 2—Provision of services to emergency services and other related services organisations

28 Power to provide services to emergency services and other related services organisations

- (1) The Authority may provide to an emergency services and other related services organisation services in the nature of emergency telecommunications and other communications services.
- (2) The Authority and all persons to whom any emergency telecommunications and other communications services are provided must ensure that, in the course of the provision of any such services, they act in a manner that—
 - (a) promotes trust and open communication; and
 - (b) emphasises service delivery to the Victorian community and to emergency services and other related services organisations; and
 - (c) achieves a co-ordinated and integrated approach to the provision of the services; and
 - (d) is open, flexible and accountable in the provision of the services.

29 Arrangements for the provision of services

- (1) The Authority, in consultation with an emergency services and other related services organisation may, from time to time, determine appropriate administrative arrangements for the provision of emergency telecommunications and other communications services to the organisation.
- (2) An arrangement under subsection (1) must specify—
 - (a) the nature and level of the services to be provided; and

s. 30

(b) the standards, determined under section 30, that are to apply to the provision of the services.

- (3) If an emergency services and other related services organisation, is unable to agree with a determination for an appropriate administrative arrangement for the provision of emergency telecommunications and other communications services to the organisation, the Minister may give directions in writing to the Authority as to the determination of such an arrangement.
- (4) The Minister must not give a direction under subsection (3) that affects the operations of an emergency services and other related services organisation unless the Minister has first consulted the Minister responsible for administering that organisation.
- (5) A determination under this section may be amended in the same manner in which it is made.

30 Inspector-General for Emergency Management to determine standards

- (1) The Inspector-General for Emergency Management, in consultation with the Authority and the emergency services and other related services organisation to which standards are to relate, may, from time to time, determine the standards for the performance by the Authority of the emergency telecommunications and other communications services it provides.
- (2) Standards determined under subsection (1) must set out the qualitative and quantitative measures for the level of service that is to be provided.

S. 30
(Heading)
amended by
No. 73/2013
s. 84(1).

S. 30(1)
amended by
Nos 5/2012
s. 114(1),
73/2013
s. 84(2).

S. 30(2)
amended by
No. 5/2012
s. 114(2).

Division 3—Fees for the provision of services by the Authority

31 Service fees

- (1) The Authority may determine a fee to be charged by the Authority for the provision of an emergency telecommunications and other communications service to an emergency services and other related services organisation.
- (2) The Authority must not make a determination under subsection (1) unless the Authority has first consulted with each emergency services and other related services organisation that is likely to be affected by the determination.
- (3) A fee determined under subsection (1) for the provision of a service may be determined to be payable for—
 - (a) a period of twelve months; or
 - (b) a lesser period or a greater period if there are particular circumstances that necessitate the payment of a fee for a service for a lesser period or a greater period.
- (4) If the Authority is determining a fee under subsection (1), the Authority must first obtain the approval of the Minister before doing so.
- (5) A determination under subsection (1) must specify—
 - (a) the period for which the fee is payable; and
 - (b) the method by which the fee is calculated, which may vary in accordance with the nature of the service provided; and
 - (c) any other arrangements for the payment of the fee.

32 Payment and collection of fees

- (1) A fee determined under section 31 is payable by an emergency services and other related services organisation in accordance with the determination of the Authority under section 31.
- (2) A fee payable under this section is a debt due to the Authority by the emergency services and other related services organisation that is liable to pay it and may be collected in a court of competent jurisdiction.

Pt 4 Div. 4
(Heading and
ss 32A, 32B)
inserted by
No. 41/2014
s. 15.

Division 4—Emergency Warning and Advisory Services

S. 32A
inserted by
No. 41/2014
s. 15.

32A Function and powers relating to emergency warning and advisory services

- (1) This section applies if the Authority receives a request in writing from the Chief Executive of Emergency Management Victoria to perform a function or exercise a power under this section.
- (2) If this section applies, the Authority has the function of providing emergency warning and advisory services, including the administration of contracts for the provision of the services, specified in the request.
- (3) The Authority has all the powers necessary to perform the function under this section.

S. 32B
inserted by
No. 41/2014
s. 15.

32B Limitation on section 32A

- (1) A request under section 32A(1) must not be inconsistent with any directions given to the Authority by the Minister under section 20.
- (2) Directions given by the Minister under section 20 prevail to the extent of any inconsistency with a request under section 32A(1).

-
- (3) The Authority must perform a function and exercise powers under section 32A subject to this section.
-

PART 5—GENERAL

33 Secrecy

- (1) In this section *confidential information* means any information relating to calls received or messages communicated by the Authority in the course of providing a service to an emergency services and other related services organisation.
- (2) A person who has confidential information that he or she has received in the course of carrying out duties under this Act must not, except to the extent necessary to perform duties under this Act, record, disclose, communicate or make use of that information.

Penalty: 5 penalty units.

- (3) Subsection (2) does not prevent a person from—
- (a) giving evidence or producing a document to a court in the course of criminal proceedings or proceedings under this Act, even though the evidence or document contains confidential information; or
 - (b) disclosing or communicating confidential information in accordance with the written authority of the Minister or the person to whom the information relates; or
 - (c) disclosing or communicating confidential information to an Ombudsman officer (within the meaning of the **Ombudsman Act 1973**); or
 - (d) disclosing confidential information to the extent specifically authorised by another Act.

S. 33(3)(c)
substituted by
No. 82/2012
s. 287.

34 Organisations' rights of access to information

The Authority must disclose to an emergency services and other related services organisation any emergency related information or information in relation to operational communications services under the control of the Authority—

- (a) that is relevant to the performance of that organisation's functions; and
- (b) the disclosure of which is requested by the organisation.

35 Regulations

The Governor in Council may make regulations for or with respect to any other matter or thing required or permitted to be prescribed by this Act or necessary to be prescribed to give effect to this Act.

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Pts 6, 7
(Headings
and ss 36–41)
repealed by
No. 28/2007
s. 3(Sch.
item 20).

**PART 8—TRANSITIONAL PROVISIONS—ABOLITION OF
EMERGENCY COMMUNICATIONS VICTORIA**

42 Definitions

In this Part—

commencement day means the day on which
Part 2 comes into operation;

old body means Emergency Communications
Victoria;

new body means the Authority.

43 Transfer of property etc. from old body to new body

Except as otherwise provided in this Act, on and
from the commencement day—

- (a) the old body is abolished and the Board of
Directors go out of office; and
- (b) all rights, property and assets that,
immediately before the commencement day
were vested in the old body, vest in the new
body; and
- (c) all debts, liabilities and obligations of the old
body existing immediately before the
commencement day become debts, liabilities
and obligations of the new body; and
- (d) the new body is substituted as a party in any
proceedings pending in any court or tribunal
to which the old body was a party,
immediately before the commencement day;
and
- (e) the new body is substituted as a party to any
contract or arrangement entered into by or on
behalf of the old body and in force
immediately before the commencement day;
and

(f) any reference to the old body in any Act or in any proclamation, Order in Council, rule, regulations, order, agreement, instrument, deed or other document, so far as it relates to any period after the commencement day, and if not inconsistent with the context or subject matter, must be construed as a reference to the new body.

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**Ss 44, 45
repealed by
No. 5/2012
s. 115.**

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 11 November 2004

Legislative Council: 7 December 2004

The long title for the Bill for this Act was "to make provision for certain emergency services telecommunications services and other communications services by the establishment of an authority and other related matters and for other purposes."

The **Emergency Services Telecommunications Authority Act 2004** was assented to on 14 December 2004 and came into operation as follows:

Sections 1 to 44 on 1 July 2005: Government Gazette 9 June 2005 page 1175;
section 45 not yet proclaimed.

2. Table of Amendments

This Version incorporates amendments made to the **Emergency Services Telecommunications Authority Act 2004** by Acts and subordinate instruments.

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 66) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Victoria State Emergency Service Act 2005, No. 51/2005

Assent Date: 24.8.05
Commencement Date: S. 58(4)(5) on 1.11.05: Government Gazette 20.10.05 p. 2308
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 31) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Statute Law Revision Act 2007, No. 28/2007

Assent Date: 26.6.07
Commencement Date: S. 3(Sch. item 20) on 27.6.07: s. 2(1)
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Motor Car Traders Amendment Act 2008, No. 4/2008

Assent Date: 4.3.08
Commencement Date: S. 32(Sch. item 7) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Emergency Services Legislation Amendment Act 2012, No. 5/2012

Assent Date: 6.3.12
Commencement Date: Ss 111–115 on 1.5.12: Special Gazette (No. 140) 1.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Emergency Services Telecommunications Authority Act 2004
No. 98 of 2004

Endnotes

Integrity and Accountability Legislation Amendment Act 2012, No. 82/2012

Assent Date: 18.12.12
Commencement Date: S. 287 on 10.2.13: Special Gazette (No. 32) 6.2.13 p. 2
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Emergency Management Act 2013, No. 73/2013

Assent Date: 3.12.13
Commencement Date: Ss 82–84 on 1.7.14: Special Gazette (No. 148) 13.5.14 p. 1
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 55) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

Justice Legislation Amendment Act 2014, No. 41/2014

Assent Date: 17.6.14
Commencement Date: S. 15 on 18.6.14: s. 2(1)
Current State: This information relates only to the provision/s amending the **Emergency Services Telecommunications Authority Act 2004**

3. Explanatory Details

No entries at date of publication.