

# Emergency Management (Amendment) Act 2000

Act No. 48/2000

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Victoria

No. 48 of 2000

# Emergency Management (Amendment) Act 2000<sup>†</sup>

[Assented to 14 June 2000]

The Parliament of Victoria enacts as follows:

## PART 1—PRELIMINARY

### 1. *Purposes*

The purposes of this Act are—

- (a) to amend the **Emergency Management Act 1986**—
  - (i) to establish the position of Emergency Services Commissioner; and

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- (ii) to provide for the Emergency Services Commissioner to be the person responsible for the preparation and monitoring of standards for emergency services organisations;
- (b) to make other minor amendments to the **Emergency Management Act 1986**;
- (c) to make consequential amendments to the **Country Fire Authority Act 1958**, the **Metropolitan Fire Brigades Act 1958** and the **Victoria State Emergency Service Act 1987**.

**2. Commencement**

This Act comes into operation on the day after the day on which this Act receives the Royal Assent.

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**PART 2—AMENDMENT OF THE EMERGENCY  
MANAGEMENT ACT 1986**

**3. *Principal Act***

In this Part, the **Emergency Management Act 1986** is called the Principal Act.

No. 30/1986.  
Reprint No. 2  
as at 4 March  
1999. Further  
amended by  
Nos 86/1998,  
3/1999 and  
50/1999.

**4. *Definitions***

In section 4 of the Principal Act, **insert** the following definitions—

' "**Commissioner**" means the person who, for the time being, is employed as Emergency Services Commissioner under the **Public Sector Management and Employment Act 1998**;

"**emergency services agency**" means any of the following—

- (a) the Country Fire Authority established under the **Country Fire Authority Act 1958**;
- (b) the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958**;
- (c) the Victoria State Emergency Service established under the **Victoria State Emergency Service Act 1987**;
- (d) any other prescribed agency.'

**5. Chairperson of Council**

(1) In section 8(2) of the Principal Act, for paragraph (a) **substitute**—

"(a) the Co-ordinator in Chief or a person nominated by the Co-ordinator in Chief as chairperson; and".

(2) After section 8(2) of the Principal Act **insert**—

"(3) The person appointed from time to time as the Commissioner is to be the executive officer of the Council."

**6. Insertion of new Part 4A**

After Part 4 of the Principal Act **insert**—

**"PART 4A—STANDARDS FOR THE  
PREVENTION AND MANAGEMENT OF  
EMERGENCIES**

**21B. Emergency Services Commissioner**

There is to be an Emergency Services Commissioner employed under Part 3 of the **Public Sector Management and Employment Act 1998**.

**21C. Functions and powers of the Commissioner**

(1) The Commissioner has the following functions—

(a) to establish and monitor standards for the prevention and management of emergencies to be adopted by all emergency services agencies;

(b) to advise, make recommendations and report to the Minister on any issue in relation to emergency management;

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- (c) to encourage and facilitate co-operation between all agencies to achieve the most effective utilisation of all services;
  - (d) to act as the Executive Officer of the Council;
  - (e) any other function conferred on the Commissioner by or under this or any other Act.
- (2) The Commissioner has all the powers necessary to perform his or her functions.

**21D. *Commissioner to prepare standards***

- (1) The Commissioner must arrange for the preparation and review from time to time of standards which are reasonably necessary for the prevention and management of emergencies and which all emergency services agencies are to adopt and to use their best endeavours to comply with.
- (2) The Commissioner must consult with the emergency services agencies before arranging for the preparation or review of the standards.
- (3) The Commissioner must ensure that the manner in which any standard is prepared or reviewed is reasonable.

**21E. *Commissioner to monitor standards***

The Commissioner must arrange for the monitoring from time to time of the adoption and compliance with the standards prepared under section 21D.

**21F. *Power to require information to be given***

- (1) For the purposes of carrying out functions or powers under this Act, the Commissioner may, in writing, require any agency to give

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to the Commissioner any information that the Commissioner reasonably believes is necessary—

- (a) to prepare or review a standard for the prevention or management of emergencies; or
  - (b) to monitor compliance with a standard for the prevention or management of emergencies.
- (2) Within 28 days of receiving a request under sub-section (1), the agency to whom the request has been given must give the information to the Commissioner, unless—
- (a) the Commissioner has agreed to allow an extension of time for the giving of the information; or
  - (b) the Commissioner has agreed that the agency is not able to give the information.
- (3) If the Commissioner has agreed to allow an extension of time under sub-section (2), the agency must give the information to the Commissioner within the time agreed on.

**21G. *Constraints on access to information not to apply***

- (1) No obligation to maintain secrecy or other restriction on the disclosure of information obtained by or furnished to persons employed in the public service or by an agency, where imposed by an enactment or rule of law, applies to the disclosure of information required by the Commissioner under section 21F.
  - (2) The Commissioner or any other person must not divulge or communicate, except in the
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course of duty to another person performing duties under this Part, any information which has come to his or her knowledge by reason, directly or indirectly of sub-section (1), if the person from whom that information was obtained could not, but for that section, lawfully have divulged that information to the Commissioner or other person.

**21H. *Delegation by Commissioner***

The Commissioner may, by instrument, delegate to any person or class of person employed or engaged in the administration of this Act, all or any of the Commissioner's powers and functions.

**21I. *Annual report***

The Commissioner must submit, as part of the annual report of the Department of Justice made under Part 7 of the **Financial Management Act 1994**, a report on the operation of this Part."

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**PART 3—AMENDMENT OF OTHER ACTS**

No. 6228.  
Reprint No. 9  
as at  
14 October  
1999.

**7. *Amendment of the Country Fire Authority Act 1958***

After section 6A of the **Country Fire Authority Act 1958** insert—

**"6B. *Compliance with standards of Commissioner***

The Authority must use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner under Part 4A of the **Emergency Management Act 1986**.

**6C. *Report on compliance with standards***

The Authority must, at the expiration of each period of three months, report on the action it has taken during the preceding three months to comply with the standards prepared by the Emergency Services Commissioner under Part 4A of the **Emergency Management Act 1986**."

No. 6315.  
Reprint No. 8  
as at  
25 March  
1999. Further  
amended by  
Nos 50/1989  
and 86/1998.

**8. *Amendment of Metropolitan Fire Brigades Act 1958***

In section 7 of the **Metropolitan Fire Brigades Act 1958**, after sub-section (3) insert—

"(4) The Board must use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner under Part 4A of the **Emergency Management Act 1986**.

(5) The Board must, at the expiration of each three month period, report on the action it has taken during the preceding three months to comply with the standards prepared by the Emergency Services Commissioner under

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Part 4A of the **Emergency Management Act 1986**."

**9. Amendment of Victoria State Emergency Service Act 1987**

No. 57/1987.  
Reprint No. 2  
as at 22 April  
1999.

In section 5 of the **Victoria State Emergency Service Act 1987**, after sub-section (3) insert—

- "(4) The Service must use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner under Part 4A of the **Emergency Management Act 1986**.
- (5) The Service must, at the expiration of each three month period, report on the action it has taken during the preceding three months to comply with the standards prepared by the Emergency Services Commissioner under Part 4A of the **Emergency Management Act 1986**."
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**NOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 4 May 2000*

*Legislative Council: 30 May 2000*

The long title for the Bill for this Act was "to amend the **Emergency Management Act 1986** to establish the position of Emergency Services Commissioner, to make consequential amendments to the **Country Fire Authority Act 1958**, the **Metropolitan Fire Brigades Act 1958** and the **Victoria State Emergency Service Act 1987** and for other purposes."