

Authorised Version

Emergency Management Act 2013

No. 73 of 2013

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Purpose	1
2 Commencement	2
3 Definitions	2
4 Interpretation	7
5 Objectives of Act	8
PART 2—STATE CRISIS AND RESILIENCE COUNCIL	9
6 State Crisis and Resilience Council	9
7 Role of State Crisis and Resilience Council	9
8 Constitution of the State Crisis and Resilience Council	9
9 Procedure of the State Crisis and Resilience Council	10
10 Standing subcommittees	11
11 Work plans	11
12 Strategic Action Plan	12
13 Implementation of the Strategic Action Plan and work programs	13
PART 3—EMERGENCY MANAGEMENT VICTORIA	15
14 Establishment of Emergency Management Victoria	15
15 Emergency Management Victoria is a body corporate	15
16 Constitution of Emergency Management Victoria	15
17 Functions of Emergency Management Victoria	16
18 Powers of Emergency Management Victoria	17
19 Delegation	17
20 Chief Executive, Emergency Management Victoria	17
21 Functions of the Chief Executive, Emergency Management Victoria	18
22 Powers of the Chief Executive, Emergency Management Victoria	19
23 Provision of staff and contractors	19

<i>Section</i>	<i>Page</i>
PART 4—EMERGENCY MANAGEMENT COMMISSIONER	20
Division 1—Appointment, functions and general powers	20
24 Establishment	20
25 Appointment	20
26 Remuneration and allowances	20
27 Terms and conditions	20
28 Resignation or vacancy in office	21
29 Suspension and removal from office	21
30 Acting Emergency Management Commissioner	22
31 Delegation	23
32 Functions of the Emergency Management Commissioner	23
33 Powers of the Emergency Management Commissioner	25
34 Information to be provided to Emergency Management Commissioner	25
35 Information gathering	26
36 Constraints on access to information not to apply	27
Division 2—Control of response activities	27
37 Control of emergency response to Class 1 emergency	27
38 Control of response to fire other than a major fire	29
39 Control of emergency response to Class 2 emergencies	30
40 Emergency Management Commissioner may advise or direct officers to exercise control powers	31
41 Division to prevail	31
Division 3—Community warnings about fires	32
42 Emergency Management Commissioner must ensure community is warned about fires	32
43 Responsibility to issue warnings and provide information	32
44 Emergency Management Commissioner may issue guidelines, procedures and protocols in relation to duty to warn the community	33
Division 4—Consequence management	33
45 Consequence management	33
Division 5—Recovery	34
46 Emergency Management Commissioner to be responsible for recovery coordination	34
47 Provision of information in relation to recovery	34

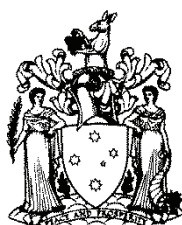
<i>Section</i>	<i>Page</i>
Division 6—Operational standards for responder agencies	34
48 Emergency Management Commissioner to develop operational standards for responder agencies	34
49 Emergency Management Commissioner must give operational standards to certain persons	35
Division 7—Incident management operating procedures	36
50 Incident management operating procedures	36
51 Emergency Management Commissioner must give incident management operating procedures to certain persons	37
52 Publication of incident management operating procedures on Internet	37
PART 5—STATE EMERGENCY RESPONSE PLAN	38
53 Preparation and review of state emergency response plan	38
54 Contents of state emergency response plan	38
55 Publication of state emergency response plan or review	39
56 Regional and municipal district emergency response coordinators	39
57 Senior Police Liaison Officer	40
58 Regional emergency response committees	41
PART 6—STATE EMERGENCY RECOVERY PLAN	42
59 Preparation and review of state emergency recovery plan	42
60 Contents of state emergency recovery plan	42
PART 7—INSPECTOR-GENERAL FOR EMERGENCY MANAGEMENT	43
61 Inspector-General for Emergency Management	43
62 Objectives of the Inspector-General for Emergency Management	43
63 Delegation	43
64 Functions of the Inspector-General for Emergency Management	43
65 Provisions relating to the monitoring and assurance framework	45
66 Provisions relating to system review	46
67 Provisions relating to advice and reports	46
68 Powers of the Inspector-General for Emergency Management	47
69 Information gathering for purpose of section 64(1)(b), (c), (f) or (g)	47
70 Provisions for reviews and reports for the purposes of section 64(1)(b) or (c)	48

<i>Section</i>	<i>Page</i>
71 Monitoring of Emergency Services Telecommunications Authority	49
72 Confidential information	50
73 Constraints on access to information not to apply	51
74 Protection of person providing information	52
PART 8—GENERAL	53
75 Immunity	53
76 Regulations	53
PART 9—CONSEQUENTIALS AND REPEALS	54
Division 1—Repeal of Fire Services Commissioner Act 2010	54
77 Repeal of Fire Services Commissioner Act 2010	54
Division 2—Emergency Management Act 1986	54
78 Consequential repeals and amendments	54
Division 3—Country Fire Authority Act 1958	55
79 Amendment of section 3—definitions	55
80 Sections 6B to 6D substituted and sections 6DA and 6DB inserted	56
6B Objective	56
6C Emergency Management Victoria	57
6D Compliance with operational standards of Emergency Management Commissioner	57
6DA Report on compliance with operational standards developed by the Emergency Management Commissioner	57
6DB Strategic Action Plan	57
81 Consequential amendments	58
Division 4—Emergency Services Telecommunications Authority Act 2004	59
82 Amendment of section 3—definitions	59
83 New sections 6A to 6C inserted	60
6A Objective	60
6B Emergency Management Victoria	60
6C Strategic Action Plan	60
84 Consequential amendments	61

<i>Section</i>	<i>Page</i>
Division 5—Forests Act 1958	61
85 Amendment of section 3—definitions	61
86 Sections 61D and 61E substituted and sections 61EA and 61EB inserted	62
61D Emergency Management Victoria	62
61E Compliance with operational standards of Emergency Management Commissioner	62
61EA Report on compliance with operational standards developed by the Emergency Management Commissioner	63
61EB Strategic Action Plan	63
87 Consequential amendments	64
Division 6—Metropolitan Fire Brigades Act 1958	64
88 Amendment of section 3—definitions	64
89 Section 7A substituted and sections 7AB to 7AE inserted	65
7A Objective	65
7AB Emergency Management Victoria	66
7AC Compliance with operational standards of Emergency Management Commissioner	66
7AD Report on compliance with operational standards developed by the Emergency Management Commissioner	66
7AE Strategic Action Plan	66
90 Consequential amendments	67
Division 7—Victoria State Emergency Service Act 2005	68
91 Amendment of section 3—definitions	68
92 Sections 4A to 4F inserted	69
4A Objective	69
4B Emergency Management Victoria	69
4C Compliance with operational standards of Emergency Management Commissioner	69
4D Report on compliance with operational standards developed by the Emergency Management Commissioner	70
4E Strategic Action Plan	70
4F Compliance with incident management operating procedures	70
93 Consequential amendments	71
Division 8—Amendment of other Acts	71
94 Domestic Animals Act 1994	71
95 Livestock Disease Control Act 1994	71
96 Marine (Drug, Alcohol and Pollution Control) Act 1988	71
97 Ombudsman Act 1973	72

<i>Section</i>	<i>Page</i>
98 Police Regulation Act 1958	72
99 Port Management Act 1995	72
100 Prevention of Cruelty to Animals Act 1986	72
101 Public Administration Act 2004	72
102 Public Health and Wellbeing Act 2008	73
103 Road Management Act 2004	73
104 Terrorism (Community Protection) Act 2003	73
Division 9—Repeal of Part	74
105 Repeal of Part	74
<hr/> <hr/>	
ENDNOTES	75

Authorised Version



Victoria

Emergency Management Act 2013[†]

No. 73 of 2013

[Assented to 3 December 2013]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to—

- (a) establish new governance arrangements for emergency management in Victoria; and
- (b) repeal the **Fire Services Commissioner Act 2010**; and
- (c) consequentially amend emergency management legislation and certain other Acts.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision referred to in subsection (1) does not come into operation before 1 September 2014, it comes into operation on that day.

3 Definitions

In this Act—

Chief Officer—

- (a) means the following—
 - (i) the Chief Officer of the Metropolitan Fire and Emergency Services Board;
 - (ii) the Chief Officer of the Country Fire Authority;
 - (iii) the Chief Fire Officer, Department of Environment and Primary Industries;
 - (iv) the Chief Officer, Operations of the Victoria State Emergency Service Authority; and
- (b) includes any person nominated by a person referred to in paragraph (a) to exercise the powers of that person under section 38;

Class 1 emergency means—

- (a) a major fire; or
- (b) any other major emergency for which the Metropolitan Fire and Emergency Services Board, the Country Fire Authority or the Victoria State Emergency Service Authority is the

control agency under the state
emergency response plan;

Class 2 emergency means a major emergency
which is not—

- (a) a Class 1 emergency; or
- (b) a warlike act or act of terrorism,
whether directed at Victoria or a part of
Victoria or at any other State or
Territory of the Commonwealth; or
- (c) a hi-jack, siege or riot;

consequence management has the meaning given
by section 45;

Country Fire Authority means the Country Fire
Authority established under the **Country
Fire Authority Act 1958**;

Department has the same meaning as it has in
section 4(1) of the **Public Administration
Act 2004**;

Department Head has the same meaning as it has
in section 4(1) of the **Public Administration
Act 2004**;

emergency means an emergency due to the actual
or imminent occurrence of an event which in
any way endangers or threatens to endanger
the safety or health of any person in Victoria
or which destroys or damages, or threatens to
destroy or damage, any property in Victoria
or endangers or threatens to endanger the
environment or an element of the
environment in Victoria including, without
limiting the generality of the foregoing—

- (a) an earthquake, flood, wind-storm or
other natural event; and
- (b) a fire; and

-
- (c) an explosion; and
 - (d) a road accident or any other accident;
and
 - (e) a plague or an epidemic or
contamination; and
 - (f) a warlike act or act of terrorism,
whether directed at Victoria or a part of
Victoria or at any other State or
Territory of the Commonwealth; and
 - (g) a hi-jack, siege or riot; and
 - (h) a disruption to an essential service;

Emergency Management Commissioner means
the office established under section 24;

emergency management sector means the sector
comprising all agencies, bodies, Departments
and other persons who have a responsibility,
function or other role in emergency
management;

Emergency Management Victoria means the
body corporate established under section 14;

***Emergency Services Telecommunications
Authority*** means the Authority established
under Division 1 of Part 2 of the **Emergency
Services Telecommunications Authority
Act 2004**;

fire services agency means any of the following—

- (a) the Metropolitan Fire and Emergency
Services Board;
- (b) the Country Fire Authority;
- (c) the Secretary to the Department of
Environment and Primary Industries;

fire services reform action plan means the plan developed under section 12 of the **Fire Services Commissioner Act 2010** as in force immediately before the commencement of section 77;

IBAC has the same meaning as it has in the **Independent Broad-based Anti-corruption Commission Act 2011**;

incident management operating procedures means operating procedures developed under section 50;

Inspector-General for Emergency Management means the office established under section 61;

major emergency means—

- (a) a large or complex emergency (however caused) which—
 - (i) has the potential to cause or is causing loss of life and extensive damage to property, infrastructure or the environment; or
 - (ii) has the potential to have or is having significant adverse consequences for the Victorian community or a part of the Victorian community; or
 - (iii) requires the involvement of 2 or more agencies to respond to the emergency; or
- (b) a Class 1 emergency; or
- (c) a Class 2 emergency;

major fire means a large or complex fire
(however caused) which—

- (a) has the potential to cause or is causing loss of life and extensive damage to property, infrastructure or the environment; or
- (b) has the potential to have or is having significant adverse consequences for the Victorian community or a part of the Victorian community; or
- (c) requires the involvement of 2 or more fire services agencies to suppress the fire; or
- (d) will, if not suppressed, burn for more than one day;

Metropolitan Fire and Emergency Services Board means the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958**;

recovery means the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning;

responder agency means the following—

- (a) the Metropolitan Fire and Emergency Services Board;
- (b) the Country Fire Authority;
- (c) the Victoria State Emergency Service Authority;
- (d) the Secretary to the Department of Environment and Primary Industries;
- (e) any other agency prescribed to be a responder agency;

response means the combating of emergencies and the provision of rescue services;

Secretary to the Department of Environment and Primary Industries means the Secretary to the Department of Environment and Primary Industries when performing its fire suppression functions, including under section 62(2)(b) of the **Forests Act 1958**;

State Crisis and Resilience Council means the Council established under section 6;

state emergency recovery plan means the state emergency recovery plan prepared under section 59;

state emergency response plan means the state emergency response plan prepared under section 53;

State Response Controller means a person appointed as a State Response Controller under section 37;

Strategic Action Plan means the plan prepared under section 12;

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

work program means a work program for an agency included in a Strategic Action Plan.

4 Interpretation

- (1) This Act must be read and construed as one with the **Emergency Management Act 1986**.
- (2) Unless inconsistent with the context or subject-matter, words or expressions defined in the **Emergency Management Act 1986** have the same meaning in this Act.

5 Objectives of Act

The objectives of this Act are to—

- (a) foster a sustainable and efficient emergency management system that minimises the likelihood, effect and consequences of emergencies; and
 - (b) establish efficient governance arrangements that—
 - (i) clarify the roles and responsibilities of agencies; and
 - (ii) facilitate cooperation between agencies; and
 - (iii) ensure the coordination of emergency management reform within the emergency management sector; and
 - (c) implement an "all hazards—all agencies" approach based on networked arrangements and greater interoperability.
-

PART 2—STATE CRISIS AND RESILIENCE COUNCIL

6 State Crisis and Resilience Council

The State Crisis and Resilience Council is established.

7 Role of State Crisis and Resilience Council

The role of the State Crisis and Resilience Council is to act as the peak crisis and emergency management advisory body in Victoria responsible for providing advice to the Minister in relation to—

- (a) whole of government policy and strategy for emergency management in Victoria; and
- (b) the implementation of that policy and strategy.

8 Constitution of the State Crisis and Resilience Council

- (1) The State Crisis and Resilience Council consists of the following members—
 - (a) the Department Head of each Department;
 - (b) the Chief Commissioner of Police;
 - (c) the Chief Executive, Emergency Management Victoria;
 - (d) the Emergency Management Commissioner;
 - (e) the Inspector-General for Emergency Management as an observer;
 - (f) the Chief Executive Officer of the Municipal Association of Victoria as a representative of local government.
- (2) The Secretary for the Department of Premier and Cabinet is the Chairperson of the State Crisis and Resilience Council.

- (3) The Secretary for the Department of Justice is the Deputy Chairperson of the State Crisis and Resilience Council.
- (4) A member of the State Crisis and Resilience Council may nominate a person who holds a specified office to act as alternate member.
- (5) An alternate member has, while acting for the member, the powers and authority of the member.
- (6) The Inspector-General for Emergency Management cannot vote on any matter or propose a resolution at a meeting of the State Crisis and Resilience Council but is otherwise entitled to participate in the business of the meeting.
- (7) The Chief Executive, Emergency Management Victoria and the Emergency Management Commissioner are responsible for advising the State Crisis and Resilience Council in relation to any matter being considered by the State Crisis and Resilience Council on behalf of the following—
 - (a) the Metropolitan Fire and Emergency Services Board;
 - (b) the Country Fire Authority;
 - (c) the Victoria State Emergency Service Authority;
 - (d) the Emergency Services Telecommunications Authority.

9 Procedure of the State Crisis and Resilience Council

- (1) Subject to this Act, the State Crisis and Resilience Council may regulate its own procedure.
- (2) The State Crisis and Resilience Council must meet at least 4 times each year.

-
- (3) A quorum at a meeting of the State Crisis and Resilience Council consists of the Chairperson and 4 other members other than the Inspector-General for Emergency Management.

10 Standing subcommittees

- (1) The State Crisis and Resilience Council may establish as many standing subcommittees as it considers necessary to enable it to perform its functions.
- (2) The State Crisis and Resilience Council must determine the terms of reference of a standing subcommittee.
- (3) The State Crisis and Resilience Council must appoint the members of a standing subcommittee.
- (4) The State Crisis and Resilience Council must appoint one of the members of a standing subcommittee to be the chairperson.

11 Work plans

- (1) A standing subcommittee must complete a work plan having regard to—
- (a) its terms of reference; and
 - (b) any relevant provisions of the Strategic Action Plan.
- (2) A work plan must include things to be done, projects to be undertaken or measures to be met, to enhance emergency management in relation to the designated subject matter area of the standing subcommittee.
- (3) A standing subcommittee must submit a work plan to the State Crisis and Resilience Council for approval—

- (a) each year; or
- (b) at any other interval determined by the State Crisis and Resilience Council.

12 Strategic Action Plan

- (1) The State Crisis and Resilience Council must develop a rolling three-year Strategic Action Plan to be submitted to the Minister for approval.
- (2) In preparing the Strategic Action Plan, the State Crisis and Resilience Council may include any provisions and actions included in the fire services reform action plan which the State Crisis and Resilience Council considers are necessary or appropriate to be continued under the new emergency management governance arrangements.
- (3) Without limiting the generality of subsection (2), the Strategic Action Plan must include a work program for each agency.
- (4) A work program must include in respect of the agency to which it applies—
 - (a) things to be done, projects to be undertaken or measures to be met by the agency to enhance the agency's operational capacity and capability including, where relevant, encouraging, strengthening and maintaining the capacity and capability of volunteers and the community; and
 - (b) things to be done, projects to be undertaken or measures to be met, to improve the agency's capacity to operate together with other agencies in planning and preparing for the response to, and in responding to, major emergencies.

-
- (5) The State Crisis and Resilience Council must consult with each agency in developing a work program.
 - (6) The State Crisis and Resilience Council must in developing a work program have regard to the resources of the agency.
 - (7) Before approving the Strategic Action Plan, the Minister must consult with other relevant Ministers.
 - (8) The Minister may approve the Strategic Action Plan.
 - (9) The State Crisis and Resilience Council must cause the Strategic Action Plan, as approved by the Minister, to be published on Emergency Management Victoria's Internet site.
 - (10) In this section and section 13, *agency* means a responder agency or the Emergency Services Telecommunications Authority.

13 Implementation of the Strategic Action Plan and work programs

- (1) Without limiting the generality of section 13 of the **Public Administration Act 2004**, the responsibility of a Department Head under that section includes ensuring that the Department implements any relevant part of the Strategic Action Plan.
- (2) The Chief Executive, Emergency Management Victoria and the Emergency Management Commissioner must use their best endeavours to ensure that an agency implements its work program.
- (3) An agency must implement its work program.

Emergency Management Act 2013
No. 73 of 2013

s. 13

Part 2—State Crisis and Resilience Council

- (4) The State Crisis and Resilience Council must—
- (a) monitor the implementation of the Strategic Action Plan and work programs; and
 - (b) report to the Minister at regular intervals on the progress of implementation of the Strategic Action Plan and work programs.
-

PART 3—EMERGENCY MANAGEMENT VICTORIA

14 Establishment of Emergency Management Victoria

Emergency Management Victoria is established.

15 Emergency Management Victoria is a body corporate

- (1) Emergency Management Victoria—
 - (a) is a body corporate with perpetual succession; and
 - (b) has an official seal; and
 - (c) may sue and be sued; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (2) All courts must take judicial notice of the official seal of Emergency Management Victoria affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (3) The official seal of Emergency Management Victoria must—
 - (a) be kept in such custody as Emergency Management Victoria determines; and
 - (b) not be used except as authorised by Emergency Management Victoria.

16 Constitution of Emergency Management Victoria

Emergency Management Victoria consists of 2 members being—

- (a) the Chief Executive, Emergency Management Victoria; and
- (b) the Emergency Management Commissioner.

17 Functions of Emergency Management Victoria

- (1) Emergency Management Victoria has the functions conferred on Emergency Management Victoria under this Act or any other Act.
- (2) Without limiting the generality of subsection (1), Emergency Management Victoria has the following functions—
 - (a) to act as the agency responsible for the coordination of the development of the whole of government policy for emergency management in Victoria;
 - (b) to provide policy advice to the Minister in relation to emergency management;
 - (c) to implement emergency management reform initiatives given to Emergency Management Victoria by the Minister;
 - (d) to liaise with the Commonwealth Government on emergency management;
 - (e) to provide support to the Emergency Management Commissioner to enable the Emergency Management Commissioner to perform the functions conferred on the Emergency Management Commissioner under this Act.
- (3) In performing its functions, Emergency Management Victoria must—
 - (a) have regard to decisions made by the State Crisis and Resilience Council; and
 - (b) collaborate and consult with the emergency management sector; and
 - (c) have regard to the fundamental importance of the role that volunteers play in the performance of emergency management functions in Victoria.

18 Powers of Emergency Management Victoria

Emergency Management Victoria has power to do all things that are necessary or convenient to be done for or in connection with, the performance of its functions.

19 Delegation

Emergency Management Victoria, by instrument, may delegate any function or power of Emergency Management Victoria under this Act or any other Act, other than this power of delegation, to—

- (a) any person or class of persons employed or engaged in the administration of this Act; or
- (b) any person employed under Part 3 of the **Public Administration Act 2004**.

20 Chief Executive, Emergency Management Victoria

- (1) There is to be a Chief Executive, Emergency Management Victoria.
- (2) The Chief Executive, Emergency Management Victoria is to be employed under Part 3 of the **Public Administration Act 2004**.
- (3) The Chief Executive, Emergency Management Victoria is responsible to the Secretary for the Department of Justice for—
 - (a) the general management and conduct of the activities of Emergency Management Victoria; and
 - (b) the effective, efficient and economical performance and exercise by Emergency Management Victoria of its functions and powers.

21 Functions of the Chief Executive, Emergency Management Victoria

Without derogating from the functions of the Chief Executive, Emergency Management Victoria, the functions of the Chief Executive, Emergency Management Victoria include the following—

- (a) to provide advice and make recommendations to the Minister on any issue relating to the functions of—
 - (i) Emergency Management Victoria; or
 - (ii) the Chief Executive, Emergency Management Victoria—

having regard where relevant to any guidance or advice provided to the Chief Executive, Emergency Management Victoria by the State Crisis and Resilience Council;

- (b) to take a lead role in coordinating investment planning and large-scale strategic projects on behalf of the responder agencies including but not limited to matters relating to the following—
 - (i) major procurement;
 - (ii) communications and information systems;
 - (iii) emergency management planning processes for the purpose of achieving greater efficiency and effectiveness in the delivery of emergency management services.

22 Powers of the Chief Executive, Emergency Management Victoria

- (1) The Chief Executive, Emergency Management Victoria has power to do all things that are necessary or convenient to be done for or in connection with, the performance of the functions of the Chief Executive, Emergency Management Victoria.
- (2) The Chief Executive, Emergency Management Victoria, by instrument, may delegate any function or power of the Chief Executive, Emergency Management Victoria under this Act, other than this power of delegation, to any person or class of persons employed or engaged in the administration of this Act.

23 Provision of staff and contractors

- (1) The Secretary for the Department of Justice must ensure that persons employed under Part 3 of the **Public Administration Act 2004** are made available to assist Emergency Management Victoria in the performance of the functions and the exercise of the powers of Emergency Management Victoria.
- (2) Emergency Management Victoria may enter into agreements or arrangements with a person or body for the purpose of obtaining appropriate expertise to assist Emergency Management Victoria in the performance of the functions and the exercise of the powers of Emergency Management Victoria.

PART 4—EMERGENCY MANAGEMENT COMMISSIONER

Division 1—Appointment, functions and general powers

24 Establishment

- (1) There is to be an Emergency Management Commissioner.
- (2) The Emergency Management Commissioner is the successor in law to the Fire Services Commissioner under the **Fire Services Commissioner Act 2010** as in force immediately before the commencement of section 77.

25 Appointment

- (1) Subject to subsection (2), the Governor in Council may appoint a person as Emergency Management Commissioner.
- (2) A person is not eligible for appointment unless the Governor in Council is satisfied that the person has appropriate management, professional, technical and operational expertise in emergency management.

26 Remuneration and allowances

- (1) The Emergency Management Commissioner is entitled to be paid the remuneration and allowances that are determined by the Governor in Council.
- (2) The remuneration of the Emergency Management Commissioner cannot be reduced during his or her term of office unless he or she consents to the reduction.

27 Terms and conditions

- (1) The Emergency Management Commissioner—
 - (a) holds office for the period, not exceeding 5 years, specified in his or her instrument of appointment; and

- (b) is eligible for re-appointment; and
 - (c) holds office on the terms and conditions determined by the Governor in Council.
- (2) The Emergency Management Commissioner must be appointed on a full-time basis.

28 Resignation or vacancy in office

The Emergency Management Commissioner ceases to hold office if he or she—

- (a) resigns by notice in writing delivered to the Governor in Council; or
- (b) becomes an insolvent under administration; or
- (c) is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
- (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- (e) is suspended or removed from office under section 29.

29 Suspension and removal from office

The Governor in Council may suspend or remove the Emergency Management Commissioner from office on any of the following grounds—

- (a) misconduct;
- (b) neglect of duty;
- (c) inability to perform the duties of the office;
- (d) any other ground on which the Governor in Council is satisfied that the Emergency Management Commissioner is unfit to hold office.

30 Acting Emergency Management Commissioner

- (1) If the Emergency Management Commissioner ceases to hold office in accordance with section 28, the Minister must appoint a person to act in the office of Emergency Management Commissioner.
- (2) Subject to this section, a person appointed under subsection (1) can be appointed for a period not exceeding 12 weeks.
- (3) If the Minister considers it necessary to do so, the Minister may extend the period of appointment under subsection (2) for a further period not exceeding 12 weeks or further periods each of which must not exceed 12 weeks.
- (4) While a person is acting in the office of Emergency Management Commissioner, the person—
 - (a) has and may exercise all the powers and must perform all the functions of that office; and
 - (b) is entitled to be paid the remuneration and allowances which the Emergency Management Commissioner would have been entitled to.
- (5) If the Emergency Management Commissioner is unable to perform the duties of the office of Emergency Management Commissioner and the Minister has not appointed a person to act in the office of Emergency Management Commissioner, the Chief Commissioner of Police must by virtue of this subsection, act in the office of the Emergency Management Commissioner until—
 - (a) the Emergency Management Commissioner is able to perform the duties of the office of Emergency Management Commissioner; or

- (b) the Minister appoints a person to act in the office of the Emergency Management Commissioner; or
- (c) the Governor in Council appoints a person to be the Emergency Management Commissioner—

whichever first occurs.

- (6) If the Chief Commissioner of Police is acting in the office of Emergency Management Commissioner under subsection (5), the Chief Commissioner of Police has and may exercise all the powers and must perform all the functions of that office.

31 Delegation

The Emergency Management Commissioner, by instrument, may delegate any function or power conferred on the Emergency Management Commissioner by or under this Act (other than this power of delegation) or any other Act to any person who in the opinion of the Emergency Management Commissioner has relevant emergency management experience.

32 Functions of the Emergency Management Commissioner

- (1) The functions of the Emergency Management Commissioner are to—
 - (a) be responsible for the coordination of the activities of agencies having roles or responsibilities in relation to the response to Class 1 emergencies or Class 2 emergencies; and
 - (b) ensure that control arrangements are in place during a Class 1 emergency or a Class 2 emergency; and

- (c) appoint a State Response Controller in relation to a Class 1 emergency; and
- (d) manage the State's primary control centre on behalf of, and in collaboration with, all agencies that may use the primary control centre for emergencies; and
- (e) ensure that the Minister is provided with timely and up to date information in relation to—
 - (i) the actual or imminent occurrence of events which may lead to major emergencies; and
 - (ii) the response to major emergencies; and
- (f) be responsible for consequence management for a major emergency in accordance with section 45; and
- (g) be responsible for coordinating recovery under Division 5; and
- (h) lead and promote the implementation of the Strategic Action Plan to the extent that it relates to the improvement of the operational capability of responder agencies; and
- (i) where relevant, oversee the continuation of the operational reforms provided for in the fire services reform action plan; and
- (j) develop and maintain operational standards for the performance of emergency management functions by responder agencies; and
- (k) develop and maintain incident management operating procedures for responder agencies; and
- (l) coordinate data collection and impact assessment processes; and

- (m) provide advice to the Minister on any matter relating to the functions of the Emergency Management Commissioner; and
 - (n) perform any other function conferred on the Emergency Management Commissioner by or under this or any other Act.
- (2) In performing the functions specified in this section, the Emergency Management Commissioner must have regard to the fundamental importance of the role that volunteers play in the performance of emergency management functions in Victoria.

33 Powers of the Emergency Management Commissioner

The Emergency Management Commissioner has power to do all things that are necessary or convenient to be done for or in connection with, the performance of the functions of the Emergency Management Commissioner.

34 Information to be provided to Emergency Management Commissioner

- (1) For the purpose of enabling the Emergency Management Commissioner to perform the functions specified in section 32(1)(a), (b) and (e), the appointed State Response Controller or relevant control agency under the state emergency response plan must provide such information in relation to control arrangements to the Emergency Management Commissioner as the Emergency Management Commissioner may request.
- (2) For the purpose of enabling the Emergency Management Commissioner to perform the function specified in section 32(1)(f), an agency must provide such information in relation to consequence management to the Emergency

Management Commissioner as the Emergency Management Commissioner may request.

35 Information gathering

- (1) The Emergency Management Commissioner, by written notice, may require an agency or a Department to give to the Emergency Management Commissioner any information that the Emergency Management Commissioner reasonably believes is necessary for the purposes of performing the functions specified in section 32(1)(j), (k) and (l).
- (2) Within 28 days of receiving a notice under subsection (1), the agency or Department must give the information to the Emergency Management Commissioner, unless—
 - (a) the Emergency Management Commissioner has agreed to allow an extension of time for the giving of the information; or
 - (b) the Emergency Management Commissioner has agreed that the agency or Department is not able to give the information.
- (3) If the Emergency Management Commissioner reasonably believes that it is urgent that information that he or she has required to be given under a notice under subsection (1), be given within a lesser time than that specified in subsection (2), the Emergency Management Commissioner may specify a lesser period for the giving of the information and the information must be given within the period so specified.
- (4) If the Emergency Management Commissioner has agreed to allow an extension of time under subsection (2), the agency or Department must give the information to the Emergency Management Commissioner within the time agreed on.

36 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, if imposed by or under an Act or rule of law, applies to the disclosure of information required by the Emergency Management Commissioner under section 35.
- (2) The Emergency Management Commissioner or any other person must not divulge or communicate, except to another person performing duties under this Act, any information which has come to the knowledge of the Emergency Management Commissioner by reason, directly or indirectly of subsection (1), if the person from whom that information was obtained could not, but for that subsection, lawfully have divulged that information to the Emergency Management Commissioner or other person.

Division 2—Control of response activities

37 Control of emergency response to Class 1 emergency

- (1) If the Emergency Management Commissioner considers that a Class 1 emergency—
 - (a) is occurring; or
 - (b) may occur; or
 - (c) has occurred—

in any area of the State, the Emergency Management Commissioner must appoint a State Response Controller to be responsible for the control of response activities in relation to the Class 1 emergency.

- (2) The Emergency Management Commissioner must appoint as the State Response Controller a person who in the opinion of the Emergency Management Commissioner has relevant expertise in managing hazards relevant to the Class 1 emergency.
- (3) The appointment of a State Response Controller and assistant controllers must be consistent with the state emergency response plan.
- (4) If the Emergency Management Commissioner considers that it is necessary to do so because the control response is not being exercised effectively, the Emergency Management Commissioner may—
 - (a) direct the State Response Controller as to the exercise of specified control response activities; or
 - (b) override or exercise specified control response activities.
- (5) A State Response Controller may appoint one or more assistant controllers for the Class 1 emergency.
- (6) The appointment of the State Response Controller or an assistant controller has effect for the period specified in the instrument of appointment.
- (7) The State Response Controller or an assistant controller has in relation to the Class 1 emergency all the powers and authorities that the Chief Officer of the relevant control agency under the state emergency response plan has conferred on them by the relevant Act under which the relevant control agency is established.

38 Control of response to fire other than a major fire

- (1) In this section, *fire* means a fire other than a major fire.
- (2) This section applies if there is a fire which is burning, or a fire may occur or which has occurred, in any area of the State.
- (3) The Chief Officers of the fire services agencies may, by agreement, appoint the Chief Officer or another officer of one of the agencies to have the overall control of response activities in relation to the fire.
- (4) In the absence of an agreement under subsection (3), the Emergency Management Commissioner may direct a Chief Officer of a fire services agency to appoint a Chief Officer or another officer of one of the fire services agencies to have the overall control of response activities in relation to the fire.
- (5) A Chief Officer or other officer appointed under subsection (3) or (4) may—
 - (a) appoint one or more assistant controllers for the fire; or
 - (b) transfer control of any response activity to one or more other persons.
- (6) An appointment of an officer under subsection (4) or (5)(a) has effect for the period specified in the instrument of appointment.
- (7) Any officer appointed under subsection (3), (4) or (5)(a) may exercise the powers and authorities conferred by the **Country Fire Authority Act 1958** on the Chief Officer of the Country Fire Authority in relation to the control of response activities in relation to the fire in relation to which he or she has overall control.

39 Control of emergency response to Class 2 emergencies

- (1) At the request of the Emergency Management Commissioner or of their own volition, the officers in charge of agencies having roles or responsibilities under the state emergency response plan in relation to the emergency response to Class 2 emergencies or the senior officer of each such agency may determine the priority of the responsibilities of those agencies either during or in anticipation of a Class 2 emergency.
- (2) In the absence of an agreement under subsection (1), the Emergency Management Commissioner may determine the priority of the response roles of the agencies.
- (3) The officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency may, with the consent of the officer in charge of another agency, transfer control of any response activity in relation to that emergency to any officer of that other agency.
- (4) The officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency or an officer in charge of another agency to which control of any response activity is transferred under subsection (3) may—
 - (a) appoint one or more controllers or assistant controllers for the Class 2 emergency; or
 - (b) transfer control of any response activity to one or more other persons.
- (5) An appointment of an officer under subsection (4)(a) has effect for the period specified in the instrument of appointment.

- (6) The officer in charge of another agency to which control of any response activity is transferred under subsection (3) or an officer appointed under subsection (4)(a) may exercise the powers of the chief operational officer of the agency having overall control of response activities in relation to the emergency.

40 Emergency Management Commissioner may advise or direct officers to exercise control powers

The Emergency Management Commissioner may advise, or if the Emergency Management Commissioner considers it necessary, direct—

- (a) a Chief Officer or other officer appointed under section 38(3) or (4) to exercise his or her power under section 38(5); or
- (b) the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency, or an officer in charge of another agency to which control of any response activity is transferred under section 39(3), to exercise his or her power under section 39(4).

41 Division to prevail

This Division prevails over—

- (a) sections 33(2) and 93B(1) of the **Country Fire Authority Act 1958**; and
- (b) section 55E of the **Metropolitan Fire Brigades Act 1958**; and
- (c) section 39 of the **Victoria State Emergency Service Act 2005**—

to the extent of any inconsistency.

Division 3—Community warnings about fires

42 Emergency Management Commissioner must ensure community is warned about fires

- (1) The Emergency Management Commissioner must ensure that warnings are issued and information is provided to the community in relation to fires in Victoria for the purposes of protecting life and property.
- (2) In complying with this section, the Emergency Management Commissioner must have regard to any guidelines, procedures and operating protocols issued under section 44.

43 Responsibility to issue warnings and provide information

- (1) If a fire is a major fire, the State Response Controller is responsible for issuing warnings and providing information to the community in relation to the major fire for the purposes of protecting life and property.
- (2) If a fire is a fire other than a major fire, the officer who has overall control of response activities in relation to the fire is responsible for issuing warnings and providing information to the community in relation to the fire for the purposes of protecting life and property.
- (3) In complying with this section, the State Response Controller or the officer who has overall control of response activities in relation to the fire, must have regard to any guidelines, procedures and operating protocols issued under section 44.

44 Emergency Management Commissioner may issue guidelines, procedures and protocols in relation to duty to warn the community

- (1) The Emergency Management Commissioner may issue guidelines, procedures or operating protocols for the purposes of this Division.
- (2) Before issuing any guidelines, procedures or protocols referred to in subsection (1), the Emergency Management Commissioner must consult with the fire services agencies.
- (3) Guidelines, procedures or operating protocols in force under section 25 of the **Fire Services Commissioner Act 2010** immediately before the commencement of section 77 are to be taken to have been issued under this section.

Division 4—Consequence management

45 Consequence management

- (1) Consequence management means the coordination of agencies, including agencies who engage the skills and services of non-government organisations, which are responsible for managing or regulating services or infrastructure which is, or may be, affected by a major emergency.
- (2) The objective of consequence management is to minimise the adverse consequences to users of services or infrastructure caused by the interruption to the services or infrastructure as a consequence of the major emergency while having regard to the need to ensure that—
 - (a) safety considerations are paramount; and

- (b) if the major emergency is due to—
- (i) a hi-jack, siege or riot; or
 - (ii) a warlike act or an act of terrorism—
- the exercise of police powers is not to be interfered with.

Division 5—Recovery

46 Emergency Management Commissioner to be responsible for recovery coordination

The Emergency Management Commissioner is responsible for the coordination of the activities of organisations, including agencies, having roles or responsibilities under the state emergency recovery plan in relation to recovery from all emergencies.

47 Provision of information in relation to recovery

Organisations, including agencies, having roles or responsibilities in relation to recovery from all emergencies, must provide information to the Emergency Management Commissioner to enable the Emergency Management Commissioner to perform the functions specified in section 32(1)(g) and (m).

Division 6—Operational standards for responder agencies

48 Emergency Management Commissioner to develop operational standards for responder agencies

- (1) The Emergency Management Commissioner must develop, and review from time to time, operational standards in relation to the performance by responder agencies of their functions.

-
- (2) The Emergency Management Commissioner must consult with the responder agencies and Emergency Management Victoria in developing or reviewing the standards.
 - (3) A responder agency must cooperate with the Emergency Management Commissioner in any consultation under subsection (2).
 - (4) The Emergency Management Commissioner must—
 - (a) develop or review a standard in a manner that is reasonable; and
 - (b) in developing or reviewing a standard, have regard to the resources available to a responder agency in the performance of any functions to which the standard relates.
 - (5) Performance standards in force under section 19 of the **Fire Services Commissioner Act 2010** immediately before the commencement of section 77 are to be taken to be operational standards developed under this section.

49 Emergency Management Commissioner must give operational standards to certain persons

The Emergency Management Commissioner must—

- (a) give the operational standards developed under section 48 for a responder agency to—
 - (i) the responder agency; and
 - (ii) Emergency Management Victoria; and
 - (iii) the Inspector-General for Emergency Management; and
- (b) publish the operational standards on Emergency Management Victoria's Internet site.

Division 7—Incident management operating procedures

50 Incident management operating procedures

- (1) The Emergency Management Commissioner must develop, and review from time to time, operating procedures for the planning and preparation for the response to and responding to, emergencies, including—
 - (a) training, development and accreditation of incident management personnel; and
 - (b) incident management facilities; and
 - (c) incident management systems; and
 - (d) the management of the State's primary control centre for the response to emergencies.
- (2) In developing, or reviewing, incident management operating procedures, the Emergency Management Commissioner must—
 - (a) consult with the responder agencies and Emergency Management Victoria; and
 - (b) have regard to any procedures of a similar kind that a responder agency has in place for the planning and preparation of the response to, and responding to, emergencies, including any joint procedures with other responder agencies.
- (3) A responder agency must cooperate with the Emergency Management Commissioner in any consultation under subsection (2)(a).
- (4) The Emergency Management Commissioner must develop or review incident management operating procedures in a manner that is reasonable.
- (5) If incident management operating procedures developed under this section are inconsistent with procedures of a similar kind that a responder

agency has in place for the planning and preparation of the response to, and responding to, an emergency, including any joint procedures with other responder agencies, the incident management operating procedures prevail to the extent of the inconsistency.

- (6) Incident management operating procedures in force under section 21 of the **Fire Services Commissioner Act 2010** immediately before the commencement of section 77 are to be taken to have been developed under this section.

51 Emergency Management Commissioner must give incident management operating procedures to certain persons

The Emergency Management Commissioner must give incident management operating procedures developed under section 50 to—

- (a) each responder agency; and
- (b) Emergency Management Victoria; and
- (c) the Inspector-General for Emergency Management.

52 Publication of incident management operating procedures on Internet

The Emergency Management Commissioner must publish incident management operating procedures developed under section 50 on Emergency Management Victoria's Internet site unless the Emergency Management Commissioner considers that it is not in the public interest to do so.

PART 5—STATE EMERGENCY RESPONSE PLAN

53 Preparation and review of state emergency response plan

- (1) The Minister must arrange for the preparation and review of a state emergency response plan for the coordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies.
- (2) The Minister must consult with the State Crisis and Resilience Council before arranging for the preparation and review of the state emergency response plan.
- (3) The Minister may, by instrument, delegate any function or power of the Minister under this section, other than this power of delegation, to the Emergency Management Commissioner.
- (4) The state emergency response plan which is in force under section 10 of the **Emergency Management Act 1986** immediately before the commencement of this section is to be taken to have been prepared under this section.

54 Contents of state emergency response plan

The state emergency response plan must contain provisions—

- (a) identifying, in relation to each form of emergency specified, the agency primarily responsible for responding to the emergency (the control agency); and
- (b) relating to the coordination of the activities of other agencies in support of a responsible agency in the event of an emergency; and
- (c) specifying the roles of agencies in the event of an emergency; and

- (d) with respect to any act, matter or thing relating to consequence management; and
- (e) specifying the roles and responsibilities of coordinators appointed under section 56; and
- (f) defining regions for the purposes of section 56.

55 Publication of state emergency response plan or review

- (1) As soon as practicable after the state emergency response plan is prepared the Minister must—
 - (a) in such manner as the Minister determines, publish the state emergency response plan; and
 - (b) forward a copy of the state emergency response plan to each agency to which it applies.
- (2) As soon as practicable after the state emergency response plan is reviewed the Minister must—
 - (a) in such manner as the Minister determines, publish details of the review; and
 - (b) forward a copy of the results of the review to each agency to which the state emergency response plan applies.

56 Regional and municipal district emergency response coordinators

- (1) The Chief Commissioner of Police must, on the request of the Emergency Management Commissioner, appoint a member of the police force to be an emergency response coordinator for each region and municipal district.

-
- (2) In the event of an emergency, directions concerning the allocation of resources in responding to that emergency may be given to all relevant agencies having roles or responsibilities in relation to the response to emergencies by—
- (a) in the case of an emergency which affects one municipal district only, the coordinator appointed for that municipal district; or
 - (b) in the case of an emergency that affects more than one municipal district within a region, the coordinator appointed for that region; or
 - (c) in the case of an emergency which affects more than one region, the Emergency Management Commissioner.

57 Senior Police Liaison Officer

- (1) The Chief Commissioner of Police must appoint a member of the police force to be the Senior Police Liaison Officer.
- (2) The functions of the Senior Police Liaison Officer are to—
 - (a) provide advice to the Emergency Management Commissioner under subsection (3); and
 - (b) deal with requests to, or from, any member of the police force appointed as an emergency response coordinator for a region or municipal district under section 56.
- (3) If as part of the Emergency Management Commissioner's function under section 32(1)(a) the Emergency Management Commissioner is performing functions relating to the coordination of regional or municipal response, the Emergency Management Commissioner must take into account the advice of the Senior Police Liaison Officer.

58 Regional emergency response committees

The Emergency Management Commissioner may establish such committees as are necessary at regional levels to plan the coordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies.

PART 6—STATE EMERGENCY RECOVERY PLAN

59 Preparation and review of state emergency recovery plan

- (1) The Minister must arrange for the preparation and review of a state emergency recovery plan for the coordinated planning and management of emergency recovery.
- (2) The Minister must consult with the State Crisis and Resilience Council before arranging for the preparation and review of the state emergency recovery plan.
- (3) The Minister may, by instrument, delegate any function or power of the Minister under this section, other than this power of delegation, to the Emergency Management Commissioner.
- (4) The state emergency recovery plan which is in force under section 17A of the **Emergency Management Act 1986** immediately before the commencement of this section is to be taken to have been prepared under this section.

60 Contents of state emergency recovery plan

The state emergency recovery plan must contain provisions—

- (a) specifying the roles of agencies in emergency recovery; and
- (b) specifying the Department or agency with responsibility for coordinating particular aspects of recovery, including recovery at the regional level; and
- (c) relating to the coordination of the activities of agencies; and
- (d) defining regions for the purposes of regional recovery coordination.

**PART 7—INSPECTOR-GENERAL FOR EMERGENCY
MANAGEMENT**

61 Inspector-General for Emergency Management

- (1) There is to be an Inspector-General for Emergency Management.
- (2) The Inspector-General for Emergency Management is to be employed under Part 3 of the **Public Administration Act 2004**.

62 Objectives of the Inspector-General for Emergency Management

The objectives of the Inspector-General for Emergency Management are to—

- (a) provide assurance to the Government and the community in respect of emergency management arrangements in Victoria; and
- (b) foster continuous improvement of emergency management in Victoria.

63 Delegation

The Inspector-General for Emergency Management, by instrument, may delegate any function or power conferred on the Inspector-General for Emergency Management by or under this Act (other than this power of delegation) or any other Act to any person who in the opinion of the Inspector-General for Emergency Management has relevant emergency management experience.

64 Functions of the Inspector-General for Emergency Management

- (1) The functions of the Inspector-General for Emergency Management are to—
 - (a) develop and maintain a monitoring and assurance framework for emergency management, including outcome measures,

- against which the capacity, capability and performance of the emergency management sector is to be assessed; and
- (b) undertake system-wide reviews, including reviewing the emergency management functions of responder agencies and Departments in relation to the monitoring and assurance framework; and
 - (c) at the request of the Minister, provide advice to, or prepare a report for, the Minister on any matter relating to the functions of the Inspector-General for Emergency Management; and
 - (d) evaluate state-wide training and exercising arrangements to maintain and strengthen emergency management capability; and
 - (e) monitor and report to the Minister on the implementation of the Strategic Action Plan by—
 - (i) responder agencies; and
 - (ii) Departments; and
 - (ii) the Emergency Services Telecommunications Authority; and
 - (iv) Emergency Management Victoria; and
 - (f) monitor and investigate the performance (in matters that are not financial matters) of the Emergency Services Telecommunications Authority in relation to the provision of services by the Emergency Services Telecommunications Authority to emergency services and other related services organisations; and

- (g) make recommendations to the Minister about matters arising from any monitoring or investigation of the Emergency Services Telecommunications Authority; and
 - (h) perform any other functions conferred on the Inspector-General for Emergency Management by or under this or any other Act.
- (2) In making recommendations when performing functions under this section, the Inspector-General for Emergency Management must have regard to the resources that agencies have to implement the recommendations.
- (3) In performing the functions conferred on the Inspector-General for Emergency Management, the Inspector-General for Emergency Management may, subject to sections 65(1) and 67, consult with relevant stakeholders.

65 Provisions relating to the monitoring and assurance framework

- (1) In performing functions under section 64(1)(a), the Inspector-General for Emergency Management must consult with—
- (a) the parts of the emergency management sector affected by the monitoring and assurance framework; and
 - (b) the State Crisis and Resilience Council.
- (2) The Inspector-General for Emergency Management must in developing a monitoring and assurance framework submit the monitoring and assurance framework to the Minister for approval.
- (3) Before approving the monitoring and assurance framework, the Minister must consult with other relevant Ministers.

- (4) The Minister may approve the monitoring and assurance framework.

66 Provisions relating to system review

- (1) For the purpose of performing the functions under section 64(1)(b), the Inspector-General for Emergency Management must prepare an annual forward plan of reviews.
- (2) In preparing the annual forward plan of reviews, the Inspector-General for Emergency Management must consult with the agencies or Departments affected.
- (3) The Inspector-General for Emergency Management must provide a copy of the annual forward plan of reviews to the Minister.

67 Provisions relating to advice and reports

In performing functions under section 64(1)(b) and (c), the Inspector-General for Emergency Management must—

- (a) take into account the role and functions of the Coroner, Victoria Police, the Director of Public Prosecutions, the Commissioner for Law Enforcement Data Security and the IBAC; and
- (b) consult with the Coroner, Victoria Police, the Director of Public Prosecutions, the Commissioner for Law Enforcement Data Security and the IBAC, as the Inspector-General for Emergency Management considers appropriate to ensure that the Inspector-General for Emergency Management does not prejudice the performance of their functions.

68 Powers of the Inspector-General for Emergency Management

The Inspector-General for Emergency Management has power to do all things necessary or convenient to be done for or in connection with, the performance of the functions of the Inspector-General for Emergency Management.

69 Information gathering for purpose of section 64(1)(b), (c), (f) or (g)

- (1) The Inspector-General for Emergency Management, by written notice, may require a relevant agency to give to the Inspector-General for Emergency Management any information that the Inspector-General for Emergency Management reasonably believes is necessary for the purposes of performing the function specified in sections 64(1)(b), (c), (f) or (g).
- (2) Within 28 days of receiving a notice under subsection (1), the relevant agency must give the information to the Inspector-General for Emergency Management, unless—
 - (a) the Inspector-General for Emergency Management has agreed to allow an extension of time for the giving of the information; or
 - (b) the Inspector-General for Emergency Management has agreed that the relevant agency is not able to give the information.
- (3) If the Inspector-General for Emergency Management reasonably believes that it is urgent that information required to be given under a notice under subsection (1), be given within a lesser time than that specified in subsection (2), the Inspector-General for Emergency Management may specify a lesser period for the

giving of the information and the information must be given within the period so specified.

- (4) If the Inspector-General for Emergency Management has agreed to allow an extension of time under subsection (2), the relevant agency must give the information to the Inspector-General for Emergency Management within the time agreed on.
- (5) In this section and section 70, *relevant agency* means any of the following—
 - (a) an agency or Department;
 - (b) the Emergency Management Commissioner;
 - (c) the Emergency Services Telecommunications Authority;
 - (d) any other public entity within the meaning of section 5 of the **Public Administration Act 2004**;
 - (e) any non-government body or organisation prescribed for the purposes of this section.

70 Provisions for reviews and reports for the purposes of section 64(1)(b) or (c)

- (1) If a review or report for the purposes of section 64(1)(b) or (c), relates to a relevant agency, the Inspector-General for Emergency Management must provide a draft copy of the review or report to the relevant agency for comment and response.
- (2) A person who receives a draft copy of a review or report under subsection (1) must not disclose the contents of the review or report, except to the extent necessary for the purposes of the relevant agency providing comment or response.

Penalty: 5 penalty units.

- (3) The Inspector-General for Emergency Management must take into account any comment or response received under subsection (1) in preparing the final review or report.
- (4) The Inspector-General for Emergency Management must provide a copy of the final review or report to the Minister.
- (5) If a review or report contains any matter relating to an area of responsibility of another Minister, the Minister must consult with that Minister.
- (6) The Minister may, with the agreement of any other relevant Minister, make the review or report or any part of the review or report publicly available.
- (7) If the final review or report is to be made publicly available, the review or report must not include any information that discloses the identity of any person.
- (8) If the Minister considers it appropriate to do so, the Minister may, with the agreement of any other relevant Minister, provide the review or report or any part of the review or report to the State Crisis and Resilience Council for implementation.

71 Monitoring of Emergency Services Telecommunications Authority

- (1) The Inspector-General for Emergency Management must, from time to time, arrange for the monitoring and investigation of the performance (in matters that are not financial matters) of the Emergency Services Telecommunications Authority in relation to the provision of services by the Authority to emergency services and other related services organisations.

- (2) The Inspector-General for Emergency Management may make an arrangement for the monitoring and investigation of the performance of the Emergency Services Telecommunications Authority under subsection (1) either—
- (a) of his or her own motion; or
 - (b) at the request of the Minister; or
 - (c) at the request of an emergency services and other related services organisation to whom the Emergency Services Telecommunications Authority has provided services.
- (3) The Inspector-General for Emergency Management may make recommendations to the Minister about any matter arising from any monitoring or investigation of the performance of the Emergency Services Telecommunications Authority under subsection (1).

72 Confidential information

- (1) The Inspector-General for Emergency Management or any person performing any function or exercising any power on behalf of the Inspector-General for Emergency Management or engaged by the Inspector-General for Emergency Management must not, directly or indirectly, provide or disclose any confidential information acquired by the Inspector-General for Emergency Management or that person by reason of, or in the course of, the performance of the functions or the exercise of the powers of the Inspector-General for Emergency Management under this Act except—
- (a) for the performance of the functions or the exercise of the powers of the Inspector-General for Emergency Management under this Act; or

- (b) where the confidential information may relate to matters relevant to the commission of a criminal offence and the Inspector-General for Emergency Management considers that it would be in the public interest to do so, for the purpose of disclosing that confidential information to the Director of Public Prosecutions or a member of the police force; or
- (c) where the confidential information is requested by the Coroner or where the Inspector-General for Emergency Management considers that it would be in the public interest to provide the confidential information to the Coroner having regard to the functions of the Coroner; or
- (d) where the confidential information is provided or disclosed to—
 - (i) the Commissioner for Law Enforcement Data Security; or
 - (ii) the IBAC.

Penalty: 5 penalty units.

- (2) In this section, *confidential information* means information acquired by the Inspector-General for Emergency Management or another person, by reason of, or in the course of, conducting a review or preparing a report for the purposes of section 64(1)(b) or (c) which is information that is not already available in the public domain.

73 Constraints on access to information not to apply

- (1) No obligation to maintain secrecy or other restriction on the disclosure of information acquired by persons employed in the public service or by a relevant agency within the meaning of section 69(5), if imposed by or under an Act or rule of law, applies to the disclosure of

information required by the Inspector-General for Emergency Management under section 69.

- (2) The Inspector-General for Emergency Management or any other person must not divulge or communicate, except to another person performing duties under this Part, any information which has come to the knowledge of the Inspector-General for Emergency Management by reason, directly or indirectly of subsection (1), if the person from whom that information was obtained could not, but for that subsection, lawfully have divulged that information to the Inspector-General for Emergency Management or other person.

74 Protection of person providing information

Information provided by any person to the Inspector-General for Emergency Management under section 69 which is not otherwise accessible cannot be used in any proceeding against that person.

PART 8—GENERAL

75 Immunity

- (1) The Emergency Management Commissioner or a State Response Controller is not personally liable for any thing 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 any other Act or regulations made under that Act; 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 or any other Act or regulations made under that Act.
- (2) Any liability resulting from an act or omission that would but for subsection (1) attach to the Emergency Management Commissioner or a State Response Controller attaches to the Crown.

76 Regulations

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

PART 9—CONSEQUENTIALS AND REPEALS

Division 1—Repeal of Fire Services Commissioner Act 2010

77 Repeal of Fire Services Commissioner Act 2010

The Fire Services Commissioner Act 2010 is repealed.

See:
Act No.
73/2010
and
amending
Act Nos
73/2010 and
56/2011.
LawToday:
www.
legislation.
vic.gov.au

Division 2—Emergency Management Act 1986

78 Consequential repeals and amendments

(1) In section 4(1) of the **Emergency Management Act 1986**, the definitions of *chief officer*, *Commissioner*, *Council*, *Fire Services Commissioner*, *fire services agency*, *major fire*, *state emergency recovery plan*, *State Emergency Response Coordinator* and *state emergency response plan* are repealed.

See:
Act No.
30/1986.
Reprint No. 4
as at
1 May 2008
and
amending
Act Nos
73/2009,
6/2010, 9/2010,
73/2010,
56/2011 and
5/2012.
LawToday:
www.
legislation.
vic.gov.au

(2) **Insert** the following definition in section 4(1) of the **Emergency Management Act 1986**—

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

(3) Sections 6, 8, 9 and 9A and Parts 3, 3A and 4A of the **Emergency Management Act 1986** are repealed.

- (4) In sections 7, 23(1), 36A(3), (6), (7) and 36B(4) of the **Emergency Management Act 1986** for "State Emergency Response Coordinator" substitute "Emergency Management Commissioner".
- (5) In section 39(b) of the **Emergency Management Act 1986** after "plan" (where secondly occurring) insert "under the **Emergency Management Act 2013**".

Division 3—Country Fire Authority Act 1958

79 Amendment of section 3—definitions

In section 3(1) of the **Country Fire Authority Act 1958**—

- (a) in the definition of *applicable work program* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";
- (b) for the definition of *Emergency Services Commissioner* substitute—
"**Emergency Management Commissioner** has the same meaning as it has in section 3 of the **Emergency Management Act 2013**";
- (c) the definitions of *Fire Services Commissioner* and *fire services reform action plan* are repealed;
- (d) in the definition of *fire services agency* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";

See:
Act No.
6228.
Reprint No. 14
as at
16 May 2012
and
amending
Act Nos
20/2012,
35/2012 and
58/2012.
LawToday:
www.
legislation.
vic.gov.au

- (e) for the definition of *incident management operating procedures* substitute—

"incident management operating procedures has the same meaning as it has in section 3 of the **Emergency Management Act 2013**";

- (f) *insert* the following definitions—

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

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

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

80 Sections 6B to 6D substituted and sections 6DA and 6DB inserted

For sections 6B to 6D of the **Country Fire Authority Act 1958** substitute—

"6B Objective

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

- (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.

6C Emergency Management Victoria

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

6D Compliance with operational standards of Emergency Management Commissioner

The Authority must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

6DA Report on compliance with operational standards developed by the Emergency Management Commissioner

- (1) The Authority must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.
- (2) A copy of the report prepared by the Authority under subsection (1) must be given to the Emergency Management Commissioner.

6DB 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."

81 Consequential amendments

In the **Country Fire Authority Act 1958**—

- (a) in section 20AAA(2), in paragraph (b) of the definition of *major emergency*, for "**Fire Services Commissioner Act 2010**" **substitute** "**Emergency Management Act 2013**";
- (b) section 50B(1)(a) is **repealed**;
- (c) in section 50B(2) for "Fire Services Commissioner under section 25 of the **Fire Services Commissioner Act 2010**" **substitute** "Emergency Management Commissioner under section 44 of the **Emergency Management Act 2013**";
- (d) in section 50H(2) for "the Office of the Emergency Services Commissioner" **substitute** "Emergency Management Victoria";
- (e) in section 81A(1) and (2) for "Fire Services Commissioner" **substitute** "Emergency Management Commissioner";
- (f) in sections 97A and 97B(1) after "**1986**" **insert** "or the **Emergency Management Act 2013**".

**Division 4—Emergency Services Telecommunications
Authority Act 2004**

82 Amendment of section 3—definitions

In section 3 of the **Emergency Services
Telecommunications Authority Act 2004**—

(a) the definition of *Commissioner* is repealed;

(b) insert the following definitions—

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

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

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

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

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

See:
Act No.
98/2004.
Reprint No. 1
as at
21 May 2009
and
amending
Act Nos
5/2012 and
82/2012.
LawToday:
www.
legislation.
vic.gov.au

83 New sections 6A to 6C inserted

After section 6 of the **Emergency Services Telecommunications Authority Act 2004** insert—

"6A Objective

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

- (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.

6B Emergency Management Victoria

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

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."

84 Consequential amendments

- (1) In the heading to section 30 of the **Emergency Services Telecommunications Authority Act 2004** for "Commissioner" substitute "Inspector-General for Emergency Management".
- (2) In section 30(1) of the **Emergency Services Telecommunications Authority Act 2004** for "Commissioner" substitute "Inspector-General for Emergency Management".

Division 5—Forests Act 1958

85 Amendment of section 3—definitions

In section 3(1) of the **Forests Act 1958**—

- (a) in the definition of *applicable work program* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";
- (b) insert the following definitions—

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

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

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

See:
Act No.
6254.
Reprint No. 11
as at
8 March 2011.
LawToday:
[www.
legislation.
vic.gov.au](http://www.legislation.vic.gov.au)

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

- (c) the definitions of *Fire Services Commissioner* and *fire services reform action plan* are repealed;
- (d) in the definition of *fire services agency* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";
- (e) for the definition of *incident management operating procedures* substitute—
incident management operating procedures has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

86 Sections 61D and 61E substituted and sections 61EA and 61EB inserted

For sections 61D and 61E of the **Forests Act 1958** substitute—

"61D Emergency Management Victoria

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

61E Compliance with operational standards of Emergency Management Commissioner

The Secretary must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

61EA Report on compliance with operational standards developed by the Emergency Management Commissioner

- (1) The Secretary must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.
- (2) A copy of the report prepared by the Secretary under subsection (1) must be given to the Emergency Management Commissioner.

61EB Strategic Action Plan

- (1) The Secretary must implement the applicable work program to give effect to the Strategic Action Plan.
- (2) The Secretary must prepare a written report on the progress made, and achievements attained, by the Secretary 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 Secretary must give a copy of a report prepared by the Secretary under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management."

87 Consequential amendments

In the **Forests Act 1958**—

- (a) section 62AA(1)(a) is **repealed**;
- (b) in section 62AA(2) for "Fire Services Commissioner under section 25 of the **Fire Services Commissioner Act 2010**" substitute "Emergency Management Commissioner under section 44 of the **Emergency Management Act 2013**".

Division 6—**Metropolitan Fire Brigades Act 1958**

88 Amendment of section 3—definitions

In section 3(1) of the **Metropolitan Fire Brigades Act 1958**—

- (a) in the definition of *applicable work program* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";
- (b) in the definition of *emergency* for "section 4(1) of the **Emergency Management Act 1986**" substitute "section 3 of the **Emergency Management Act 2013**";
- (c) **insert** the following definitions—
 - Emergency Management Commissioner* means the Emergency Management Commissioner within the meaning of the **Emergency Management Act 2013**;
 - Inspector-General for Emergency Management* has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

See:
Act No.
6315.
Reprint No. 11
as at
16 June 2011
and
amending
Act Nos
5/2012 and
58/2012.
LawToday:
www.
legislation.
vic.gov.au

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

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

- (d) the definitions of *Fire Services Commissioner* and *fire services reform action plan* are repealed;
- (e) in the definition of *fire services agency* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**";
- (f) for the definition of *incident management operating procedures* substitute—
"*incident management operating procedures* has the same meaning as it has in section 3 of the **Emergency Management Act 2013**";

89 Section 7A substituted and sections 7AB to 7AE inserted

For section 7A of the **Metropolitan Fire Brigades Act 1958** substitute—

"7A Objective

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

- (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.

7AB Emergency Management Victoria

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

7AC Compliance with operational standards of Emergency Management Commissioner

The Board must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

7AD Report on compliance with operational standards developed by the Emergency Management Commissioner

- (1) The Board must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.
- (2) A copy of the report prepared by the Board under subsection (1) must be given to the Emergency Management Commissioner.

7AE Strategic Action Plan

- (1) The Board must implement the applicable work program to give effect to the Strategic Action Plan.
- (2) The Board 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 Board must give a copy of a report prepared by the Board under subsection (2) to the State Crisis and Resilience Council and the Inspector-General for Emergency Management."

90 Consequential amendments

In the **Metropolitan Fire Brigades Act 1958**—

- (a) sections 7(4), (5) and (6) are **repealed**;
- (b) in section 7AA(2), in paragraph (b) of the definition of *major emergency* for "**Fire Services Commissioner Act 2010**" **substitute** "**Emergency Management Act 2013**";
- (c) section 32AA(1)(a) is **repealed**;
- (d) in section 32AA(2) for "Fire Services Commissioner under section 25 of the **Fire Services Commissioner Act 2010**" **substitute** "Emergency Management Commissioner under section 44 of the **Emergency Management Act 2013**";
- (e) in section 45A(1) and (2) for "Fire Services Commissioner" **substitute** "Emergency Management Commissioner".

Division 7—Victoria State Emergency Service Act 2005

91 Amendment of section 3—definitions

See:
Act No.
51/2005.
Reprint No. 1
as at
23 October
2008
and
amending
Act Nos
9/2010,
56/2011 and
5/2012.
LawToday:
www.
legislation.
vic.gov.au

In section 3 of the **Victoria State Emergency Service Act 2005**—

- (a) in the definition of *emergency* for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**";
- (b) in the definition of *State emergency recovery plan* for "section 17A of the **Emergency Management Act 1986**" substitute "Part 6 of the **Emergency Management Act 2013**";
- (c) in the definition of *state emergency response plan* for "section 10 of the **Emergency Management Act 1986**" substitute "Part 5 of the **Emergency Management Act 2013**";
- (d) insert the following definitions—

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

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

incident management operating procedures has the same meaning as it has in section 3 of the **Emergency Management Act 2013**;

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

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

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

92 Sections 4A to 4F inserted

After section 4 of the **Victoria State Emergency Service Act 2005** insert—

"4A Objective

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

- (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.

4B Emergency Management Victoria

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

4C Compliance with operational standards of Emergency Management Commissioner

The Authority must use its best endeavours to carry out its functions in accordance with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.

4D Report on compliance with operational standards developed by the Emergency Management Commissioner

- (1) The Authority must, at the expiration of each period of 6 months, report in writing on the action it has taken during the preceding 6 months to comply with the operational standards developed by the Emergency Management Commissioner under the **Emergency Management Act 2013**.
- (2) A copy of the report prepared by the Authority under subsection (1) must be given to the Emergency Management Commissioner.

4E 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.

4F Compliance with incident management operating procedures

The Authority must comply with any incident management operating procedures."

93 Consequential amendments

In the **Victoria State Emergency Service Act 2005**—

- (a) in section 5(1)(c)(i) and (ii) for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**";
- (b) section 5(4) and (5) are **repealed**;
- (c) in section 6A(2), in paragraph (b) of the definition of *major emergency* for "**Fire Services Commissioner Act 2010**" substitute "**Emergency Management Act 2013**".

Division 8—Amendment of other Acts

94 Domestic Animals Act 1994

In section 98G(e) of the **Domestic Animals Act 1994** for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**".

95 Livestock Disease Control Act 1994

In section 3(1) of the **Livestock Disease Control Act 1994**, in the definition of *emergency* for "section 4(1) of the **Emergency Management Act 1986**" substitute "section 3 of the **Emergency Management Act 2013**".

96 Marine (Drug, Alcohol and Pollution Control) Act 1988

In section 3(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, in the definition of *Victorian Marine Pollution Contingency Plan*, for "Part 3A of the **Emergency Management Act 1986**" substitute "Part 6 of the **Emergency Management Act 2013**".

97 Ombudsman Act 1973

In Schedule 3 to the **Ombudsman Act 1973** for item 7 **substitute**—

"7 The Inspector-General for Emergency Management".

98 Police Regulation Act 1958

In section 8(3A)(b) of the **Police Regulation Act 1958**, for "**Emergency Management Act 1986**" **substitute** "**Emergency Management Act 2013**".

99 Port Management Act 1995

In the **Port Management Act 1995**—

(a) in section 83, in paragraph (c) of the definition of *authorised person*, after "**1986**" **insert** "or the **Emergency Management Act 2013**";

(b) in section 91A, in the definition of *relevant Ministers* for "**Emergency Management Act 1986**" **substitute** "**Emergency Management Act 2013**".

100 Prevention of Cruelty to Animals Act 1986

In section 20A(8) of the **Prevention of Cruelty to Animals Act 1986** for "section 4(1) of the **Emergency Management Act 1986**" **substitute** "section 3 of the **Emergency Management Act 2013**".

101 Public Administration Act 2004

In section 105A(3)(a) of the **Public Administration Act 2004** for "State Emergency Response Coordinator under the **Emergency Management Act 1986**" **substitute** "Emergency Management Commissioner under the **Emergency Management Act 2013**".

102 Public Health and Wellbeing Act 2008

In section 198(1) and (3) of the **Public Health and Wellbeing Act 2008** for "State Emergency Response Coordinator under the **Emergency Management Act 1986**" substitute "Emergency Management Commissioner under the **Emergency Management Act 2013**".

103 Road Management Act 2004

In section 63 of the **Road Management Act 2004**, in the Examples at the foot of the section, for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**".

104 Terrorism (Community Protection) Act 2003

In the **Terrorism (Community Protection) Act 2003**—

- (a) in section 15, in the definition of *emergency*, for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**";
- (b) in section 19(1)(b) for "**Emergency Management Act 1986**" substitute "**Emergency Management Act 2013**";
- (c) in the note at the foot of section 19(1) for "section 15 of the **Emergency Management Act 1986**" substitute "section 54 of the **Emergency Management Act 2013**";
- (d) in section 39 after "**1986**" insert "or the **Emergency Management Act 2013**".

Division 9—Repeal of Part

105 Repeal of Part

This Part is **repealed** on 1 September 2015.

Note

The repeal of this Act does not affect the continuing operation of the repeals or amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 16 October 2013

Legislative Council: 31 October 2013

The long title for the Bill for this Act was "A Bill for an Act to establish new governance arrangements for emergency management in Victoria, to repeal the **Fire Services Commissioner Act 2010**, to consequentially amend emergency management legislation and certain other Acts and for other purposes."