

PARLIAMENT OF VICTORIA

**Emergency Management Legislation Amendment
Bill 2018**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Emergency Management Legislation Amendment Bill 2018

A Bill for an Act to amend the **Emergency Management Act 2013** to provide for new integrated arrangements for emergency management planning in Victoria at the State, regional and municipal levels, consequentially to amend the **Emergency Management Act 1986**, the **Alpine Resorts (Management) Act 1997**, the **Country Fire Authority Act 1958**, the **Electricity Safety Act 1998**, the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, the **Terrorism (Community Protection) Act 2003** and the **Victoria State Emergency Service Act 2005**, to amend the **Alpine Resorts (Management) Act 1997** in relation to municipal councils and the Southern Alpine Resort Management Board, to amend the **Victoria State Emergency Service Act 2005** in relation to compensation and to revoke the permanent reservation of certain land and reserve it temporarily and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- (a) to amend the **Emergency Management Act 2013**—

5

Part 1—Preliminary

- 5 (i) to provide for new integrated arrangements for emergency management planning in Victoria at the State, regional and municipal levels; and
- (ii) to establish Regional Emergency Management Planning Committees; and
- 10 (iii) to establish Municipal Emergency Management Planning Committees; and
- 15 (iv) in relation to the appointment of the Inspector-General for Emergency Management and acting Inspector-General for Emergency Management and the assurance framework; and
- (b) consequentially to amend the **Emergency Management Act 1986**, the **Alpine Resorts (Management) Act 1997**, the **Country Fire Authority Act 1958**, the **Electricity Safety Act 1998**, the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, the **Terrorism (Community Protection) Act 2003** and the **Victoria State Emergency Service Act 2005**; and
- 25
- (c) to amend the **Alpine Resorts (Management) Act 1997** in relation to deeming the Board of an alpine resort to be a municipal council and the municipal emergency management plan prepared by the Southern Alpine Resort Management Board; and
- 30

(d) to amend the **Victoria State Emergency Service Act 2005**—

- 5
- (i) in relation to compensation under that Act in respect of personal injury and loss of, or damage to, property; and
- 10
- (ii) to revoke the permanent reservation in relation to a part of the Fawkner Crematorium and Memorial Park land and to reserve that land temporarily for cemetery purposes.

2 Commencement

- 15
- (1) Subject to subsection (3), this Act (except Part 1, section 89, Divisions 2 and 3 of Part 6 and Part 7) comes into operation on a day or days to be proclaimed.
- (2) Part 1, section 89, Divisions 2 and 3 of Part 6 and Part 7 come into operation on the day after the day on which this Act receives the Royal Assent.
- 20
- (3) If a provision of this Act does not come into operation before 1 December 2020, it comes into operation on that day.

3 Principal Act

In this Act, the **Emergency Management Act 2013** is called the Principal Act.

Part 2—State level amendments

Division 1—General amendments

4 Definitions

- 5 (1) In section 3 of the Principal Act **insert** the following definitions—
- "*Ambulance Service—Victoria* has the same meaning as in section 3(1) of the **Ambulance Services Act 1986**;
- 10 *emergency management* means the arrangements for, or in relation to—
- (a) the mitigation of emergencies; and
 - (b) the response to emergencies; and
 - (c) the recovery from emergencies;
- 15 *emergency management plan* means the state emergency management plan;
- mitigation* means the elimination or reduction of the incidence or severity of emergencies and the minimisation of their effects;
- 20 *Municipal Association of Victoria* means the body corporate established under the **Municipal Association Act 1907**;
- municipal council* has the same meaning as Council in section 3(1) of the **Local Government Act 1989**;
- 25 *municipal district* has the same meaning as in section 3(1) of the **Local Government Act 1989**;
- 30 *state emergency management plan* means the plan prepared by the Emergency Management Commissioner in accordance with Division 2 of Part 6A and includes an updated state emergency management plan;
-

Victoria Police means the body established by section 6 of the **Victoria Police Act 2013**;

(2) In section 3 of the Principal Act—

- 5 (a) in the definition of **Chief Officer**, in paragraph (a)(iii), for "Environment and Primary Industries" **substitute** "Environment, Land, Water and Planning";
- 10 (b) in the definition of **fire services agency**, in paragraph (c), for "Environment and Primary Industries" **substitute** "Environment, Land, Water and Planning";
- 15 (c) in the definition of **responder agency**, in paragraph (d), for "Environment and Primary Industries" **substitute** "Environment, Land, Water and Planning";
- (d) for the definition of **Secretary to the Department of Environment and Primary Industries** **substitute**—
- 20 "**Secretary to the Department of Environment, Land, Water and Planning** means the Secretary to the Department of Environment, Land, Water and Planning when performing its fire suppression functions, including
- 25 under section 62(2)(a) of the **Forests Act 1958**;"

5 Objectives of Act

For section 5(c) of the Principal Act **substitute**—

- 30 (c) implement an "all communities— all emergencies" approach to emergency management; and
- (d) establish integrated arrangements for emergency management planning in Victoria at the State level.'

6 Role of State Crisis and Resilience Council

- (1) In section 7(b) of the Principal Act, for "approval." **substitute** "approval; and".
- (2) After section 7(b) of the Principal Act **insert**—

- 5 "(c) to consider the state emergency management plan submitted by the Emergency Management Commissioner to the State Crisis and Resilience Council for approval; and
- 10 (d) when consulted, to provide advice on any guidelines to be issued by the Minister under section 77."

7 Constitution of the State Crisis and Resilience Council

- 15 In section 8(3) of the Principal Act, after "Department of Justice" **insert** "and Regulation".

8 Chief Executive, Emergency Management Victoria

- In section 20(3) of the Principal Act, after "Department of Justice" **insert** "and Regulation".

20 **9 Provision of staff and contractors**

- In section 23(1) of the Principal Act, after "Department of Justice" **insert** "and Regulation".

10 Functions of the Emergency Management Commissioner

- 25 After section 32(1)(m) of the Principal Act **insert**—
- "(ma) issue guidelines in relation to community emergency management planning; and
- 30 (mb) be responsible for the preparation of the state emergency management plan; and".

11 Definition

5 In section 60A of the Principal Act, in the definition of *relevant agency*, in paragraph (d) **omit** "as established by section 6 of the **Victoria Police Act 2013**".

12 Functions of the Inspector-General for Emergency Management

10 After section 64(1)(ga) of the Principal Act **insert**—
"(gb) monitor, review and assess emergency management planning at a system level undertaken in accordance with Part 6A; and".

13 Information gathering for the purposes of section 64(1)

15 (1) For the heading to section 69 of the Principal Act **substitute**—
"**Information gathering for the purposes of section 64(1)**".
20 (2) In section 69(1) of the Principal Act, for "(g) or (ga)." **substitute** "(g), (ga) or (gb)".

14 Provisions for reviews and reports for the purposes of section 64(1)

25 (1) For the heading to section 70 of the Principal Act **substitute**—
"**Provisions for reviews and reports for the purposes of section 64(1)**".
(2) In section 70(1) of the Principal Act, for "(ca) or (ga)" **substitute** "(ca), (ga) or (gb)".

15 Confidential information

30 In section 72(2) of the Principal Act, for "(ca) or (ga)" **substitute** "(ca), (ga) or (gb)".

16 Exercise by responsible entity

In section 74Q(1) and (8)(a) of the Principal Act, for "prevention" **substitute** "mitigation".

17 Responsible entity to conduct audit

5 In section 74S(2) of the Principal Act, for "prevention" **substitute** "mitigation".

18 New section 77 inserted

After section 76A of the Principal Act **insert—**

"77 Guidelines for purposes of Part 6A

- 10 (1) The Minister may issue guidelines for the purposes of Part 6A.
- (2) Without limiting the generality of subsection (1), guidelines may be made for, or with respect to, the following—
- 15 (a) the contents of an emergency management plan;
- (b) the consultation process in relation to an emergency management plan;
- 20 (c) assurance of an emergency management plan;
- (d) the risk management methodology to be used in preparing an emergency management plan;
- 25 (e) the review of an emergency management plan;
- 30 (f) dispute resolution processes to resolve disputes arising from the exercise of powers or the performance of functions or duties under this Act in relation to emergency management planning.

- 5
- (3) Guidelines issued under subsection (1) must not be inconsistent with any regulations made under this Act.
 - (4) Before issuing guidelines under subsection (1), the Minister must consult the State Crisis and Resilience Council."

Division 2—New Part 6A of the Emergency Management Act 2013

19 New Part 6A inserted

10 After Part 6 of the Principal Act insert—

"Part 6A—Emergency management plans

Division 1—General

15 **60AA Principles underlying the preparation and contents of emergency management plans**

- (1) The following principles underlie the preparation of emergency management plans—
- 20 (a) emergency management plans are to be prepared in a collaborative manner;
 - (b) emergency management plans are to be prepared efficiently and effectively;
 - 25 (c) emergency management plans are to be prepared in a manner that acknowledges and reflects the importance of community emergency management planning.

- 5
- 10
- 15
- 20
- 25
- (2) The following principles underlie the contents of emergency management plans—
- (a) the main aim of emergency management plans is to reduce—
 - (i) the likelihood of emergencies; and
 - (ii) the effect of emergencies on communities; and
 - (iii) the consequences of emergencies for communities;
 - (b) emergency management plans are to ensure a comprehensive and integrated approach to emergency management;
 - (c) emergency management plans are to promote community resilience in relation to emergencies;
 - (d) emergency management plans are to promote appropriate interoperability and integration of emergency management systems.
- (3) In performing any duties or functions or exercising any powers under this Part, the State Crisis and Resilience Council and the Emergency Management Commissioner are to have regard to the principles referred to in subsections (1) and (2).

60AB Definitions

In this Part—

30 *relevant approver* means, in relation to the state emergency management plan, the State Crisis and Resilience Council;

relevant preparer means, in relation to the state emergency management plan, the Emergency Management Commissioner.

Division 2—Preparation of emergency management plans

60AC General requirement on relevant preparers

- 5 A relevant preparer must ensure that—
- (a) an emergency management plan is prepared in accordance with this Act; and
 - 10 (b) any relevant guidelines issued under section 77 are had regard to in the course of preparing the emergency management plan; and
 - 15 (c) to the extent possible, the emergency management plan does not conflict with, or duplicate, any other plans in relation to emergency management that are currently in force within Australia.

60AD Preparation of state emergency management plan

20 The Emergency Management Commissioner must arrange for the preparation of the state emergency management plan to provide for an integrated, coordinated and comprehensive approach to emergency management at a State level.

60AE Contents of emergency management plans

- 25 An emergency management plan must contain provisions—
- 30 (a) providing for the mitigation of emergencies; and
 - (b) providing for the response to emergencies; and

- 5
- (c) providing for the recovery from emergencies; and
 - (d) specifying the roles and responsibilities of agencies in relation to emergency management.

Division 3—Consultation during preparation

60AF Consultation during preparation of state emergency management plan

- 10
- (1) During the course of preparing the state emergency management plan, the Emergency Management Commissioner—
- 15 (a) must ensure that the following bodies are consulted—
 - (i) each responder agency;
 - (ii) each Department;
 - (iii) Victoria Police;
 - (iv) Ambulance Service—Victoria;
 - 20 (v) the Municipal Association of Victoria; and
 - (b) may consult any other sector of the community that the Emergency Management Commissioner considers appropriate.
- 25 (2) A body referred to in subsection (1)(a) must cooperate with the Emergency Management Commissioner when it is consulted under that subsection.
- 30 (3) While the Emergency Management Commissioner is preparing the state emergency management plan—
-

- 5
- (a) the Department Head of each Department must consult any agency that the Department Head considers appropriate and that has a role or responsibility under the proposed state emergency management plan; and
- 10
- (b) each relevant Department (within the meaning of section 74B) must consult any responsible entity (within the meaning of section 74B) that the Department considers appropriate.

Division 4—Approval and publication process

60AG Submission of statement of assurance to relevant approver

- 15
- (1) The relevant preparer, in relation to the emergency management plan it has prepared, must prepare a statement of assurance in accordance with this section, having regard to any guidelines issued under section 77 in relation to assurance.
- 20
- (2) A statement of assurance must state—
- 25
- (a) the extent to which the emergency management plan was prepared in accordance with this Act; and
- (b) in the case of an updated emergency management plan, the date on which the plan was last reviewed.
- 30
- (3) The relevant preparer must submit to the relevant approver a statement of assurance in relation to the emergency management plan for which the relevant preparer seeks approval.

60AH Approval of emergency management plan

- 5
- (1) After an emergency management plan is prepared, the relevant preparer must submit the emergency management plan to the relevant approver for consideration.
- (2) The relevant approver may approve the emergency management plan if the relevant approver is satisfied that the relevant preparer has complied with the requirements of this Act in relation to the plan.
- 10
- (3) In determining whether to approve an emergency management plan, a relevant approver must have regard to the accompanying statement of assurance.

15 **60AI Publication of emergency management plan**

- (1) Subject to subsection (2), as soon as practicable after an emergency management plan is approved under section 60AH, the relevant preparer—
- 20
- (a) must provide the emergency management plan to Emergency Management Victoria for publication on its Internet site on behalf of the relevant preparer; and
- 25
- (b) may publish the emergency management plan in any other manner determined by the relevant preparer.
- (2) The relevant preparer and Emergency Management Victoria may exclude the following information from a published emergency management plan, having regard to any relevant guidelines issued under section 77—
- 30

- 5
- (a) information in relation to critical infrastructure (within the meaning of section 74B); or
- (b) personal information within the meaning of section 3 of the **Privacy and Data Protection Act 2014**; or
- (c) information that is of a commercially sensitive nature.
- 10
- (3) As soon as practicable after the emergency management plan is published in accordance with this section, the relevant preparer must ensure that notice of the plan's publication is given to each Department and agency that has a role or responsibility under the plan."

15

Division 3—Consequential amendments to other Acts

20 Emergency Management Act 1986

- 20
- (1) In section 4(1) of the **Emergency Management Act 1986**, for the definition of *emergency management substitute*—
- "*emergency management* means the arrangements for, or in relation to—
- (a) the mitigation of emergencies; and
- (b) the response to emergencies; and
- 25
- (c) the recovery from emergencies;".
- (2) In sections 4A(a), 5(1) and 20(2)(a) and (b) of the **Emergency Management Act 1986**, for "prevention" **substitute** "mitigation".
- 30
- (3) Section 39(b) of the **Emergency Management Act 1986** is **repealed**.

21 Victoria State Emergency Service Act 2005

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

- 5
- (a) in the definition of *emergency management*, for "section 4(1) of the **Emergency Management Act 1986**" substitute "section 3 of the **Emergency Management Act 2013**";
 - (b) the definition of *prevention* is repealed.

Part 3—Further State level amendments

Division 1—General amendments

22 Definitions

- 5 (1) In section 3 of the Principal Act **insert** the following definition—
- "*region* means (other than in Part 7A) 2 or more municipal districts (and, if relevant, any area or areas of the State that are not part of a municipal district) that are declared to be a region under section 77A;"
- 10 (2) In section 3 of the Principal Act—
- (a) in the definition of *Class 1 emergency*, in paragraph (b), for "state emergency response plan" **substitute** "state emergency management plan";
- 15 (b) the definition of *state emergency recovery plan* is **repealed**;
- (c) the definition of *state emergency response plan* is **repealed**.

20 23 Role of State Crisis and Resilience Council

- (1) Section 7(b) of the Principal Act is **repealed**.
- (2) In section 7(d) of the Principal Act, for "section 77." **substitute** "section 77; and".
- (3) After section 7(d) of the Principal Act **insert**—
- 25 "(e) when consulted, to provide advice to the Minister on declaring regions under section 77A."

24 Functions of the Emergency Management Commissioner

In section 32(1) of the Principal Act—

- 5 (a) in paragraph (b), for "response plan and any directions made under section 55A(4)" **substitute** "management plan and any directions made under section 60AL";
- (b) in paragraph (mb), after "preparation" **insert** "and review".

10 **25 Information to be provided to Emergency Management Commissioner**

In section 34(1) of the Principal Act, for "state emergency response plan" **substitute** "state emergency management plan".

15 **26 Control of emergency response to Class 1 emergency**

In section 37(1), (5), (6B) and (7) of the Principal Act, for "state emergency response plan" **substitute** "state emergency management plan".

20 **27 Control of emergency response to Class 2 emergencies**

In section 39(1) and (2) of the Principal Act, for "state emergency response plan" **substitute** "state emergency management plan".

25 **28 New sections 40A, 40B and 40C inserted**

After section 40 of the Principal Act **insert**—

"40A Regional and municipal district emergency response coordinators

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

- 5 (2) In the event of an emergency, directions (in accordance with the state emergency management plan) which concern 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—
- 10 (a) in the case of an emergency which affects one municipal district only, the emergency response coordinator appointed for that municipal district; or
- 15 (b) in the case of an emergency that affects more than one municipal district within a region, the emergency response coordinator appointed for that region; or
- 20 (c) in the case of an emergency which affects more than one region, the Emergency Management Commissioner.

40B Senior Police Liaison Officer

- (1) The Chief Commissioner of Police must appoint a police officer to be the Senior Police Liaison Officer.
- 25 (2) The functions of the Senior Police Liaison Officer are—
- (a) to provide advice to the Emergency Management Commissioner under subsection (3); and
- 30 (b) to deal with requests to, or from, any police officer appointed as an emergency response coordinator for a region or municipal district under section 40A.

5 (3) If, as part of the Emergency Management Commissioner's function under section 32(1)(a), the Emergency Management Commissioner performs functions relating to the coordination of a regional or municipal emergency response, the Emergency Management Commissioner must take into account the advice of the Senior Police Liaison Officer.

10 **40C 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."

15 **29 Emergency Management Commissioner to be responsible for recovery coordination**

In section 46 of the Principal Act, for "state emergency recovery plan" **substitute** "state emergency management plan".

20 **30 Repeal of Parts 5 and 6**

Parts 5 and 6 of the Principal Act are **repealed**.

25 **31 New section 77A inserted**

After section 77 of the Principal Act **insert**—

"77A Declaration of regions—Orders in Council

30 (1) On the recommendation of the Minister, the Governor in Council may, by Order published in the Government Gazette, declare 2 or more municipal districts (and, if appropriate, any area or areas of the State that are not part of a municipal

Part 3—Further State level amendments

district) to be a region for the purposes of this Act (other than Part 7A).

Note

5 Section 5 of the **Alpine Resorts (Management) Act 1997** provides that alpine resorts are deemed to be municipal districts for the purposes of this Act.

- (2) Before making a recommendation under subsection (1), the Minister must consult the State Crisis and Resilience Council.
- 10 (3) An Order made under subsection (1) may declare one or more regions.
- (4) An Order made under subsection (1) must specify—
- (a) the name of each region declared; and
- 15 (b) the 2 or more municipal districts (and, if relevant, any area or areas of the State that are not part of a municipal district) comprising each region; and
- (c) the date on which the Order comes into operation.
- 20 (5) An Order made under subsection (1) must be published in the Government Gazette within 7 days after it is made.
- (6) Any alteration to the boundary of a municipal district correspondingly alters the boundary of the region concerned."
- 25

32 New sections 79 and 80 inserted—transitional provisions

After section 78 of the Principal Act **insert**—

30 **"79 Regional and municipal district emergency response coordinators**

- (1) On and from the day on which Part 3 of the **Emergency Management Legislation Amendment Act 2018** comes into operation,
-

Part 3—Further State level amendments

5 a person who immediately before that day is
appointed under section 56 of this Act (as in
force immediately before that day) as an
emergency response coordinator for a region
(defined for the purposes of that section) is
taken to be appointed under section 40A
of this Act as an emergency response
coordinator for a region declared under
section 77A of this Act, if both regions
referred to in this subsection have the same
name.

10

(2) On and from the day on which Part 3 of
the **Emergency Management Legislation
Amendment Act 2018** comes into operation,
15 a person who immediately before that day
is an emergency response coordinator for a
municipal district appointed under section 56
of this Act (as in force immediately before
that day) is taken to be appointed under
20 section 40A of this Act as an emergency
response coordinator for that municipal
district.

80 Senior Police Liaison Officer

25 On and from the day on which Part 3 of
the **Emergency Management Legislation
Amendment Act 2018** comes into operation,
a person who immediately before that day
is a Senior Police Liaison Officer appointed
under section 57 of this Act (as in force
30 immediately before that day) is taken to be
a Senior Police Liaison Officer appointed
under section 40B of this Act."

**Division 2—Amendments to Part 6A of the
Emergency Management Act 2013**

33 Heading to Division 4 of Part 6A substituted

5 For the heading to Division 4 of Part 6A of the
Principal Act **substitute—**

**"Division 4—Approval, publication
and review process".**

34 Publication of emergency management plan

10 In section 60AI(1) of the Principal Act, for
"section 60AH," **substitute** "section 60AH
or is urgently updated under section 60AM,".

**35 New sections 60AJ, 60AK, 60AL, 60AM and 60AN
inserted**

15 After section 60AI of the Principal Act **insert—**

**"60AJ When does an emergency management
plan come into effect?**

20 An emergency management plan comes into
effect when it is published in accordance
with section 60AI(1)(a) or on any later date
specified in the plan.

**60AK Compliance with emergency management
plan**

- 25 (1) Subject to subsection (3), an agency that has
a role or responsibility under an emergency
management plan must act in accordance
with the emergency management plan.
- 30 (2) Subsection (3) applies if there is a conflict
between the emergency management plan
and any duty, function, power, responsibility
or obligation conferred on an agency referred
to in subsection (1) by—
- (a) the common law; or

- 5
- (b) an Act or regulation (whether of Victoria, another State or a Territory or the Commonwealth); or
- (c) a licence granted under an Act or regulation referred to in paragraph (b); or
- 10
- (d) an intergovernmental agreement, arrangement or plan that is specified in the state emergency management plan; or
- (e) a term or condition of an agreement in relation to emergency management to which an agency referred to in subsection (1) is a party.
- 15
- (3) The Act, regulation, common law, licence, intergovernmental agreement, arrangement or plan, or term or condition referred to in subsection (2) prevails to the extent of its inconsistency with the emergency management plan and the agency referred to in subsection (1) is taken to have complied with the emergency management plan if it performs that duty, function, power, responsibility or obligation.
- 20
- 25
- 60AL Direction to comply**
- In the case of the state emergency management plan, the Emergency Management Commissioner may direct in writing an agency referred to in section 60AK(1) to act in accordance with the state emergency management plan if the Emergency Management Commissioner is of the opinion that—
- 30
- 35
- (a) the agency has failed to act in accordance with the state emergency management plan; and
-

- (b) the agency's failure is likely to have significant consequences.

60AM Urgent update of emergency management plan

- 5 (1) This section applies if the relevant preparer is of the opinion that—
- (a) an update to its emergency management plan is urgent; and
- 10 (b) there is a significant risk that life or property will be endangered if the emergency management plan is not updated; and
- 15 (c) complying with the requirements of sections 60AF, 60AG and 60AH is not practicable in the circumstances.
- (2) Despite sections 60AF, 60AG and 60AH, the relevant preparer may update its emergency management plan in accordance with this section.
- 20 (3) An urgent update to the emergency management plan made by the relevant preparer under this section—
- (a) comes into effect when it is published in accordance with section 60AI(1)(a);
- 25 and
- (b) remains in force for a period of 3 months after it is published.
- (4) The relevant approver may revoke any update made to the emergency management plan under this section.
- 30

60AN Review of emergency management plan

- (1) The relevant preparer must ensure that the emergency management plan it prepared is reviewed—
-

Part 3—Further State level amendments

- (a) as required; and
- (b) at least every 3 years.
- (2) The purpose of a review of an emergency management plan is—
- 5 (a) to ensure that the plan provides for a current, integrated, coordinated and comprehensive approach to emergency management at a State level; and
- 10 (b) to consider the effectiveness of the plan.
- (3) After a review of the emergency management plan it prepared, the relevant preparer may prepare an updated emergency management plan.

15

Note

The requirements of this Part in relation to emergency management plans also apply in relation to updated emergency management plans."

20

Division 3—Consequential amendments to other Acts

36 Alpine Resorts (Management) Act 1997

In section 5 of the **Alpine Resorts (Management) Act 1997**, for "1986" substitute "1986, the **Emergency Management Act 2013**".

25

37 Emergency Management Act 1986

In section 4(1) of the **Emergency Management Act 1986**—

30

- (a) in the definition of *emergency activity*, in paragraph (a), for "response plan or the state emergency recovery" substitute "management";

(b) in the definition of *volunteer emergency worker*, for "response plan or the state emergency recovery" substitute "management";

5

(c) insert the following definition—

"state emergency management plan has the same meaning as in section 3 of the **Emergency Management Act 2013**;"

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

10

(1) In section 3(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988**, in the definition of *Victorian Marine Pollution Contingency Plan*, for "response plan prepared under Part 6" substitute "management plan prepared under Part 6A".

15

(2) After section 107C of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** insert—

"108 Transitional provision—Emergency Management Legislation Amendment Act 2018

20

On and from the day that Part 3 of the **Emergency Management Legislation Amendment Act 2018** comes into operation, the Victorian Marine Pollution Contingency Plan as in force immediately before that day is taken to be established in accordance with the state emergency management plan prepared in accordance with Part 6A of the **Emergency Management Act 2013**."

25

30

39 Terrorism (Community Protection) Act 2003

(1) In section 19(1)(b) of the **Terrorism (Community Protection) Act 2003**, for "response" substitute "management".

- (2) The note at the foot of section 19(1) of the **Terrorism (Community Protection) Act 2003** is **repealed**.

40 Victoria State Emergency Service Act 2005

- 5 (1) In section 3 of the **Victoria State Emergency Service Act 2005**—
- (a) in the definition of *emergency operations*, for "response plan and the State emergency recovery" **substitute** "management";
- 10 (b) **insert** the following definition—
- "state emergency management plan* has the same meaning as in section 3 of the **Emergency Management Act 2013**";
- (c) the definition of *State emergency recovery plan* **is repealed**;
- 15 (d) the definition of *state emergency response plan* **is repealed**.
- (2) For section 39 of the **Victoria State Emergency Service Act 2005** **substitute**—
- 20 **"39 Discharge by registered unit of function under state emergency management plan**
- A registered unit must not discharge a function under the state emergency management plan without the consent of the Chief Officer, Operations."
- 25

Part 4—Regional level amendments

Division 1—General amendments

41 Definitions

- 5 (1) In section 3 of the Principal Act, for the definition of *emergency management plan* substitute—
- "*emergency management plan* means one of the following—
- 10 (a) the state emergency management plan;
- (b) a regional emergency management plan;"
- (2) In section 3 of the Principal Act **insert** the following definitions—
- 15 "*regional emergency management plan*, in relation to a region, means a plan for that region prepared by the relevant Regional Emergency Management Planning Committee in accordance with Division 2 of Part 6A and includes any updated
- 20 regional emergency management plan for that region;
- Regional Emergency Management Planning Committee* means a body established by section 53;"

25 42 Objectives of Act

In section 5(d) of the Principal Act, for "State level" **substitute** "State and regional levels".

43 Functions of the Emergency Management Commissioner

After section 32(1)(mb) of the Principal Act
insert—

- 5 "(mc) consider any regional emergency
 management plan submitted by a Regional
 Emergency Management Planning
 Committee for approval; and
- 10 (md) provide guidance to Regional Emergency
 Management Planning Committees in
 relation to compliance with the requirements
 of Parts 5 and 6A; and
- 15 (me) share information with Regional Emergency
 Management Planning Committees to assist
 effective emergency management planning
 in accordance with Part 6A; and".

44 Repeal of section 40C

Section 40C of the Principal Act is **repealed**.

45 Definition

20 In section 60A of the Principal Act, after
 paragraph (b) of the definition of *relevant*
 agency insert—

"(ba) a Regional Emergency Management
 Planning Committee;".

25 **46 Functions of the Inspector-General for Emergency
 Management**

 In section 64(1)(gb) of the Principal Act, for
 "Part" **substitute** "Parts 5 and".

47 Guidelines for the purposes of Parts 5 and 6A

- 30 (1) In the heading to section 77 of the Principal Act,
 for "Part" **substitute** "Parts 5 and".
- (2) In section 77(1) of the Principal Act, for "Part"
 substitute "Parts 5 and".
-

Part 4—Regional level amendments

(3) In section 77(2) of the Principal Act—

(a) in paragraph (f), for "planning." substitute "planning;"

(b) after paragraph (f) insert—

5 "(g) the conduct of business and meetings
by Regional Emergency Management
Planning Committees."

**Division 2—Regional Emergency Management
Planning Committees**

10 **48 New Part 5 inserted**

After Part 4 of the Principal Act insert—

**"Part 5—Regional Emergency
Management Planning Committees**

15 **53 Establishment of Regional Emergency
Management Planning Committees**

There is established for each region a
Regional Emergency Management Planning
Committee.

20 **54 Constitution of Regional Emergency
Management Planning Committees**

(1) Each Regional Emergency Management
Planning Committee consists of—

(a) the following members—

25 (i) a person, or the person holding a
position or role for the time being,
nominated by the Department
Head of each Department (other
than the Department of Premier
and Cabinet and the Department
30 of Treasury and Finance);

Part 4—Regional level amendments

- 5
- (ii) a person, or the person holding a position or role for the time being, nominated by the Chief Commissioner of Police;
- 10
- (iii) in the case of a region that includes a metropolitan district or part of a metropolitan district (within the meaning of the **Metropolitan Fire Brigades Act 1958**), a person, or the person holding a position or role for the time being, nominated by the Metropolitan Fire and Emergency Services Board;
- 15
- (iv) in the case of a region that includes part of the country area of Victoria (within the meaning of the **Country Fire Authority Act 1958**), a person, or the person holding a position or role for the time being, nominated by the Country Fire Authority;
- 20
- (v) a person, or the person holding a position or role for the time being, nominated by the Secretary (within the meaning of section 3(1) of the **Ambulance Services Act 1986**) on behalf of Ambulance Service—Victoria;
- 25
- (vi) a person, or the person holding a position or role for the time being, nominated by the Society incorporated by Royal Charter under the name of Australian Red Cross Society;
- 30
- 35

- 5 (vii) a person, or the person holding a position or role for the time being, nominated by the Chief Executive Officer of a municipal council of a municipal district within the relevant region;

Note 1

10 Section 5 of the **Alpine Resorts (Management) Act 1997** provides that, for the purposes of this Act—

- 15 (a) the Board of an alpine resort is deemed to be a municipal council; and
- 20 (b) an alpine resort is deemed to be a municipal district; and
- 25 (c) a Board established for 2 or more alpine resorts is deemed to be a municipal council; and
- (d) 2 or more alpine resorts for which a single Board is established are deemed to be a municipal district; and
- (e) the chief executive officer of the Board of one or more alpine resorts that is deemed to be a municipal council is deemed to be the Chief Executive Officer of that municipal council.

Note 2

30 Nothing in this section prevents 2 or more Chief Executive Officers nominating the same person to represent their municipal councils.

- 35 (viii) a person, or the person holding a position or role for the time being, nominated by the Victoria State Emergency Service Authority;

- 5
- (ix) a person, or the person holding a position or role for the time being, nominated by Emergency Management Victoria; and
- 10
- (b) after the election of the chairperson under section 55(1), in addition to the members referred to in paragraph (a), the following members—
- 15
- (i) one or more persons, or one or more persons holding a position or role respectively for the time being, each nominated by an agency (with a role or responsibility in relation to recovery from emergencies at a regional level) in response to an invitation from the chairperson of the Regional Emergency Management Planning Committee on behalf of the Committee to make a nomination;
- 20
- (ii) one or more persons, or one or more persons holding a position or role respectively for the time being, each nominated by an agency in response to an invitation from the chairperson of the Regional Emergency Management Planning Committee on behalf of the Committee to make a nomination.
- 25
- 30
- (2) A body or person referred to in subsection (1) nominating a representative for the purposes of that subsection must give notice in writing of the nomination to—
- 35

Part 4—Regional level amendments

- 5
- (a) the chairperson of the Regional Emergency Management Planning Committee; or
- (b) if the Regional Emergency Management Planning Committee has no chairperson, the Emergency Management Commissioner.
- 10
- (3) As soon as practicable after the commencement of Part 4 of the **Emergency Management Legislation Amendment Act 2018**, there shall be a first meeting of each Regional Emergency Management Planning Committee at which the members of each Committee constituting the
- 15
- Committee at that time must—
- (a) elect one of their number to be chairperson of that Committee; and
- (b) select agencies to make nominations for the purposes of subsection (1)(b)(i) and (ii).
- 20
- (4) The addition of a member referred to in subsection (1)(b) to a Regional Emergency Management Planning Committee is not taken to be a reconstitution of the Regional
- 25
- Emergency Management Planning Committee.
- (5) A Regional Emergency Management Planning Committee is not taken to be invalidly constituted only because there
- 30
- is a vacancy in the membership of the Committee.
- (6) A Regional Emergency Management Planning Committee must ensure that
- 35
- a vacancy in the membership of the Committee is filled as soon as practicable after the vacancy arises.
-

5 (7) Subsequent to the first meeting of a
Regional Emergency Management Planning
Committee referred to in subsection (3),
the Regional Emergency Management
Planning Committee may select agencies
for the purposes of subsection (1)(b) as
and when the Committee determines.

**55 Chairperson of each Regional Emergency
Management Planning Committee**

10 (1) Every 2 years, or when determined by
each Regional Emergency Management
Planning Committee, the members of each
Committee must elect one of their number
15 (irrespective of whether that person is
referred to in section 54(1)(a) or (b)) to
be chairperson of that Committee.

(2) The chairperson of each Regional
Emergency Management Planning
Committee has the following functions—

20 (a) chairing meetings of the Regional
Emergency Management Planning
Committee;

25 (b) facilitating the Regional Emergency
Management Planning Committee to
perform its functions;

30 (c) on behalf of the Regional Emergency
Management Planning Committee,
providing information and
recommendations to the Emergency
Management Commissioner.

56 Procedure of Regional Emergency Management Planning Committees

5 Subject to this Act and having regard to any guidelines issued under section 77(2)(g), each Regional Emergency Management Planning Committee may regulate its own procedure.

57 Functions of Regional Emergency Management Planning Committees

10 The functions of each Regional Emergency Management Planning Committee in relation to its region are—

- 15 (a) to be responsible for the preparation and review of its regional emergency management plan; and
- (b) to ensure that its regional emergency management plan is consistent with the state emergency management plan; and
- 20 (c) to provide reports or recommendations to the Emergency Management Commissioner in relation to any matter that affects, or may affect, emergency management planning in that region; and
- 25 (d) to share information with the Emergency Management Commissioner and other Regional Emergency Management Planning Committees to assist effective emergency management planning in accordance with Part 6A; and
- 30 (e) to consult other Regional Emergency Management Planning Committees to assist effective emergency management planning in accordance with Part 6A; and
- 35 and
-

- (f) to perform any other function conferred on the Regional Emergency Management Planning Committee by or under this or any other Act.

5

58 Powers of Regional Emergency Management Planning Committees

10

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

Division 3—Amendments to Part 6A of the Emergency Management Act 2013

15

49 Principles underlying the preparation and contents of emergency management plans

- (1) In section 60AA(2)(d) of the Principal Act, for "systems." **substitute** "systems;".

- (2) After section 60AA(2)(d) of the Principal Act **insert—**

20

"(e) the needs of local communities are to be met by providing for flexibility in emergency management plans."

- (3) For section 60AA(3) of the Principal Act **substitute—**

25

"(3) In performing any duties or functions or exercising any powers under Part 5 or this Part, the State Crisis and Resilience Council, the Emergency Management Commissioner and each Regional Emergency Management Planning Committee are to have regard to the principles referred to in subsections (1) and (2)."

30

50 Definitions

In section 60AB of the Principal Act—

- (a) for the definition of *relevant approver substitute*—

5 "*relevant approver* means—

(a) in relation to the state emergency management plan, the State Crisis and Resilience Council; and

10 (b) in relation to a regional emergency management plan, the Emergency Management Commissioner;";

- (b) for the definition of *relevant preparer substitute*—

15 "*relevant preparer* means—

(a) in relation to the state emergency management plan, the Emergency Management Commissioner; and

20 (b) in relation to a regional emergency management plan for a region, the Regional Emergency Management Planning Committee for that region."

51 New section 60ADA inserted

25 After section 60AD of the Principal Act **insert**—

"60ADA Preparation of regional emergency management plans

30 The Regional Emergency Management Planning Committee for a region must arrange for the preparation of a regional emergency management plan for that region to provide for an integrated, coordinated and

comprehensive approach to emergency management in relation to that region."

52 Consultation during preparation of state emergency management plan

- 5 (1) In section 60AF(1)(b) of the Principal Act, for "appropriate." **substitute** "appropriate; and".
- (2) After section 60AF(1)(b) of the Principal Act **insert**—
- 10 "(c) may consult any Regional Emergency Management Planning Committee."

53 New section 60AFA inserted

After section 60AF of the Principal Act **insert**—

"60AFA Consultation during preparation of regional emergency management plans

- 15 (1) During the course of preparing a regional emergency management plan, the Regional Emergency Management Planning Committee may consult—
- 20 (a) the municipal council of any municipal district within its region; and

Note

Section 5 of the **Alpine Resorts (Management) Act 1997** provides that, for the purposes of this Act—

- 25 (a) the Board of an alpine resort is deemed to be a municipal council; and
- (b) an alpine resort is deemed to be a municipal district; and
- 30 (c) a Board established for 2 or more alpine resorts is deemed to be a municipal council; and
- (d) 2 or more alpine resorts for which a single Board is established are deemed to be a municipal district.

- (b) any other sector of the community that the Regional Emergency Management Planning Committee considers appropriate.
- 5 (2) While the Regional Emergency Management Planning Committee is preparing a regional emergency management plan—
- 10 (a) the Department Head of each Department must consult any agency that the Department Head considers appropriate and that has a role or responsibility under the proposed regional emergency management plan; and
- 15 (b) each relevant Department (within the meaning of section 74B) must consult any responsible entity (within the meaning of section 74B) that the Department considers appropriate."

20 **54 Urgent update of emergency management plan**

In section 60AM(1)(c) and (2) of the Principal Act, after "sections 60AF" **insert** "or 60AFA (as the case may be)".

55 Review of emergency management plan

25 In section 60AN(2)(a) of the Principal Act, after "level" **insert** "or in relation to the relevant region, as the case may be".

**Division 4—Consequential amendments
to other Acts**

56 Alpine Resorts (Management) Act 1997

5 In section 5 of the **Alpine Resorts (Management)
Act 1997**—

(a) in paragraph (d), for "district." **substitute**
"district; and";

(b) after paragraph (d) **insert**—

10 "(e) the chief executive officer of the Board
of one or more alpine resorts that is
deemed to be a municipal council is
deemed to be the Chief Executive
Officer of that municipal council."

57 Country Fire Authority Act 1958

15 (1) In the heading to Part IV of the **Country Fire
Authority Act 1958**, for "**Regional and
municipal**" **substitute** "**Municipal**".

(2) Division 2 of Part IV of the **Country Fire
Authority Act 1958** is **repealed**.

20 (3) In section 55(g) of the **Country Fire Authority
Act 1958**, for "regional fire prevention
committee" **substitute** "Regional Emergency
Management Planning Committee established
25 under the **Emergency Management Act 2013**
for the region in which the municipal district is
located".

(4) In section 56 of the **Country Fire Authority
Act 1958** **omit** "regional or".

30 (5) In section 60 of the **Country Fire Authority
Act 1958**—

(a) **omit** "every regional fire prevention
committee and";

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- (b) for "sections 52(2B) and" **substitute**
"section".
- (6) Section 110(1)(bb) of the **Country Fire Authority Act 1958** is **repealed**.

Part 5—Municipal level amendments

Division 1—General amendments

58 Definitions

5 (1) In section 3 of the Principal Act **insert** the following definitions—

10 *"municipal emergency management plan*, in relation to a municipal district, means a plan for that municipal district prepared by the Municipal Emergency Management Planning Committee for that municipal district in accordance with Division 2 of Part 6A and includes any updated municipal emergency management plan for that municipal district;

15 *Municipal Emergency Management Planning Committee* means a body established by section 59;".

(2) In section 3 of the Principal Act, in the definition of *emergency management plan*, after paragraph (b) **insert**—

20 "(c) a municipal emergency management plan;".

59 Objectives of Act

In section 5(d) of the Principal Act, for "State and regional" **substitute** "State, regional and municipal".

25 60 Definition

In section 60A of the Principal Act, after paragraph (ba) of the definition of *relevant agency* **insert**—

30 "(bb) a Municipal Emergency Management Planning Committee;".

61 Functions of the Inspector-General for Emergency Management

In section 64(1)(gb) of the Principal Act, for "Parts 5" **substitute** "Parts 5, 6".

5 **62 Guidelines for the purposes of Parts 5, 6 and 6A**

(1) In the heading to section 77 of the Principal Act, for "**Parts 5**" **substitute** "**Parts 5, 6**".

(2) In section 77(1) of the Principal Act, for "Parts 5" **substitute** "Parts 5, 6".

10 (3) In section 77(2) of the Principal Act—

(a) in paragraph (g), for "Committees." **substitute** "Committees;"

(b) after paragraph (g) **insert**—

15 "(h) the conduct of business and meetings by Municipal Emergency Management Planning Committees;

(i) collaboration between Municipal Emergency Management Planning Committees;

20 (j) the responsibilities of municipal emergency management officers and municipal recovery managers."

63 Declaration of regions—Orders in Council

25 For the note at the foot of section 77A(1) of the Principal Act **substitute**—

"Note

Section 5(2) of the **Alpine Resorts (Management) Act 1997** provides that, for the purposes of this Act—

30 (a) the area of certain alpine resorts is taken to be a municipal district; and

(b) the area of certain alpine resorts together with certain municipal districts is taken to be a municipal district."

64 New section 81 inserted—transitional provision

After section 80 of the Principal Act **insert**—

"81 Municipal emergency management plan

5 On and from the day on which Part 5 of
the **Emergency Management Legislation
Amendment Act 2018** comes into operation,
a municipal emergency management plan
for a municipal district (which immediately
10 before that day is in force under section 20
of the **Emergency Management Act 1986**)
is taken to be a municipal emergency
management plan for that district prepared,
approved and published in accordance with
Part 6A of this Act."

15 **Division 2—Amendments to Part 5 of the
Emergency Management Act 2013**

**65 Constitution of Regional Emergency Management
Planning Committees**

20 For note 1 at the foot of section 54(1)(a)(vii) of
the Principal Act **substitute**—

"Note 1

Section 5(2) of the **Alpine Resorts (Management)
Act 1997** provides that, for the purposes of this Act—

- 25 (a) the Board of certain alpine resorts is taken to be a
municipal council; and
- (b) the area of certain alpine resorts is taken to be a
municipal district; and
- 30 (c) the area of certain alpine resorts together with certain
municipal districts is taken to be a municipal district;
and
- (d) the chief executive officer of the Boards of certain
alpine resorts taken to be a municipal council is taken
to be the Chief Executive Officer of that municipal
council."

66 Chairperson of each Regional Emergency Management Planning Committee

In section 55(2) of the Principal Act—

- 5 (a) in paragraph (c), for "Commissioner." **substitute** "Commissioner;"
- (b) after paragraph (c) **insert**—
- 10 "(d) on behalf of the Committee, providing information and guidance to Municipal Emergency Management Planning Committees."

67 Functions of Regional Emergency Management Planning Committees

- (1) After section 57(b) of the Principal Act **insert**—
- 15 "(ba) to consider any municipal emergency management plan submitted by a Municipal Emergency Management Planning Committee for approval; and
- (bb) to provide guidance to Municipal Emergency Management Planning Committees operating
- 20 in the region in relation to compliance with the requirements of Parts 6 and 6A; and".
- (2) In section 57(d) of the Principal Act, for
- 25 "Commissioner and other Regional Emergency Management Planning Committees" **substitute** "Commissioner, other Regional Emergency Management Planning Committees and Municipal Emergency Management Planning Committees".

**Division 3—Municipal Emergency
Management Planning Committees**

68 New Part 6 inserted

After Part 5 of the Principal Act **insert—**

5

**"Part 6—Municipal
Emergency Management
Planning Committees**

**59 Establishment of Municipal Emergency
Management Planning Committees**

10

The municipal council of each municipal district must establish a Municipal Emergency Management Planning Committee for that municipal district.

Note

15

Section 5(2) of the **Alpine Resorts (Management) Act 1997** provides that, for the purposes of this Act—

20

- (a) the Board of certain alpine resorts is taken to be a municipal council; and
- (b) the area of certain alpine resorts is taken to be a municipal district; and
- (c) the area of certain alpine resorts together with certain municipal districts is taken to be a municipal district; and
- (d) the chief executive officer of the Boards of certain alpine resorts taken to be a municipal council is taken to be the Chief Executive Officer of that municipal council.

25

59A Constitution of Municipal Emergency Management Planning Committees

(1) Each Municipal Emergency Management Planning Committee consists of—

5

(a) the following members—

- (i) the person nominated under section 59B to be the chairperson of the Municipal Emergency Management Planning Committee;
- (ii) a person, or the person holding a position or role for the time being, nominated by the Chief Commissioner of Police;
- (iii) in the case of a municipal district that is wholly or partly in a metropolitan district (within the meaning of the **Metropolitan Fire Brigades Act 1958**), a person, or the person holding a position or role for the time being, nominated by the Metropolitan Fire and Emergency Services Board;
- (iv) in the case of a municipal district that is wholly or partly in the country area of Victoria (within the meaning of the **Country Fire Authority Act 1958**), a person, or the person holding a position or role for the time being, nominated by the Country Fire Authority;

10

15

20

25

30

Part 5—Municipal level amendments

- 5 (v) a person, or the person holding a position or role for the time being, nominated by the Secretary (within the meaning of section 3(1) of the **Ambulance Services Act 1986**) on behalf of Ambulance Service—Victoria;
- 10 (vi) a person, or the person holding a position or role for the time being, nominated by the Victoria State Emergency Service Authority;
- 15 (vii) a person, or the person holding a position or role for the time being, nominated by the Society incorporated by Royal Charter under the name of Australian Red Cross Society;
- 20 (viii) a person, or the person holding a position or role for the time being, nominated by the Department Head of the Department of Health and Human Services; and
- 25 (b) after the first meeting of the Municipal Emergency Management Planning Committee referred to in subsection (3), in addition to the members referred to in paragraph (a), the following members—
- 30 (i) one or more community representatives who accept an invitation given by the chairperson of the Municipal Emergency Management Planning Committee on behalf of the Committee;

Part 5—Municipal level amendments

- 5 (ii) one or more persons, or one or more persons holding a position or role respectively for the time being, each nominated by an agency (with a role or responsibility in relation to recovery from emergencies at a municipal level) in response to an invitation from the chairperson of the Municipal Emergency Management Planning Committee on behalf of the Committee to make a nomination;
- 10
- 15 (iii) one or more persons, or one or more persons holding a position or role respectively for the time being, each nominated by an agency in response to an invitation from the chairperson of the Municipal Emergency Management Planning Committee on behalf of the Committee to make a nomination.
- 20
- 25 (2) A body or person referred to in subsection (1) nominating a representative for the purposes of that subsection must notify the chairperson of the Municipal Emergency Management Planning Committee in writing of the nomination.
- 30 (3) As soon as practicable after the commencement of Part 5 of the **Emergency Management Legislation Amendment Act 2018**, there shall be a first meeting of each Municipal Emergency Management Planning Committee at which the members of each Committee constituting the Committee at that time must select—
- 35

Part 5—Municipal level amendments

- 5 (a) one or more community representatives
for the purposes of subsection (1)(b)(i);
and
- (b) agencies to make nominations for the
purposes of subsection (1)(b)(ii) or (iii).
- 10 (4) The addition of a member referred to in
subsection (1)(b) to a Municipal Emergency
Management Planning Committee is not
taken to be a reconstitution of the Municipal
Emergency Management Planning
Committee.
- 15 (5) A Municipal Emergency Management
Planning Committee is not taken to be
invalidly constituted only because there
is a vacancy in the membership of the
Committee.
- 20 (6) A Municipal Emergency Management
Planning Committee must ensure that
a vacancy in the membership of the
Committee is filled as soon as practicable
after the vacancy arises.
- 25 (7) Subsequent to the first meeting of a
Municipal Emergency Management Planning
Committee referred to in subsection (3),
the Municipal Emergency Management
Planning Committee may select community
representatives or agencies for the purposes
of subsection (1)(b) as and when the
Committee determines.
- 30 **59B Chairperson of each Municipal
Emergency Management Planning
Committee**
- 35 (1) The municipal council for a municipal
district must nominate one of the following
to be the chairperson of the Municipal

Emergency Management Planning
Committee for that municipal district—

- 5 (a) in the case of a body taken to be a
municipal council under section
5(2)(a)(i), (ii) or (iii) of the **Alpine
Resorts (Management) Act 1997**,
an employee of that body; or
- 10 (b) in any other case, the Chief Executive
Officer of the municipal council or a
member of the municipal council staff
nominated by the Chief Executive
Officer.
- 15 (2) The chairperson of a Municipal Emergency
Management Planning Committee has the
following functions—
- (a) chairing meetings of the Municipal
Emergency Management Planning
Committee;
- 20 (b) facilitating the Municipal Emergency
Management Planning Committee to
perform its functions;
- 25 (c) on behalf of the Municipal Emergency
Management Planning Committee,
providing information and
recommendations to the Regional
Emergency Management Planning
Committee for the region that includes
the municipal district.

30 **59C Procedure of Municipal Emergency
Management Planning Committees**

35 Subject to this Act and having regard to
any guidelines issued under section 77(2)(h),
each Municipal Emergency Management
Planning Committee may regulate its
own procedure.

59D Functions of Municipal Emergency Management Planning Committees

The functions of each Municipal Emergency Management Planning Committee in relation to its municipal district are—

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- (a) to be responsible for the preparation and review of its municipal emergency management plan; and
- (b) to ensure that its municipal emergency management plan is consistent with the state emergency management plan and the relevant regional emergency management plan; and
- (c) to provide reports and recommendations to the Regional Emergency Management Planning Committee for the region in which the municipal district is located in relation to any matter that affects, or may affect, emergency management planning in that municipal district; and
- (d) to share information with the Regional Emergency Management Planning Committee for the region in which the municipal district is located and with other Municipal Emergency Management Planning Committees to assist effective emergency management planning in accordance with Parts 6 and 6A; and
- (e) to collaborate (having regard to any guidelines issued under section 77(2)(i)) with any other Municipal Emergency Management Planning Committee that the Municipal Emergency Management Planning

Committee considers appropriate in relation to emergency management planning, including preparing municipal emergency management plans; and

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- (f) to perform any other function conferred on the Municipal Emergency Management Planning Committee by or under this or any other Act.

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59E Powers of Municipal Emergency Management Planning Committees

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

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59F Functions of municipal councils

For the purposes of emergency management planning, the functions of a municipal council under this Act include—

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- (a) facilitating emergency management planning for emergencies in relation to its municipal district by establishing a Municipal Emergency Management Planning Committee; and
- (b) in collaboration with other agencies and by the establishment of a Municipal Emergency Management Planning Committee for its municipal district, enabling community participation in emergency preparedness, including mitigation, response and recovery activities; and

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Part 5—Municipal level amendments

- 5 (c) nominating one of the following persons to be the chairperson of the Municipal Emergency Management Planning Committee for the municipal council's municipal district—
- 10 (i) in the case of a body taken to be a municipal council under section 5(2)(a)(i), (ii) or (iii) of the **Alpine Resorts (Management) Act 1997**, an employee of that body; or
- 15 (ii) in any other case, the Chief Executive Officer of the municipal council or a member of the municipal council staff nominated by the Chief Executive Officer; and
- 20 (d) appointing one or more municipal emergency management officers under section 59G; and
- (e) appointing one or more municipal recovery managers under section 59H.

59G Municipal emergency management officers

- 25 (1) A municipal council must appoint one or more municipal emergency management officers for its municipal district.
- (2) A municipal emergency management officer is responsible for—
- 30 (a) liaising with agencies in relation to emergency management activities for the municipal district; and
- 35 (b) assisting in the coordination of emergency management activities for the municipal council.
-

59H Municipal recovery managers

- 5 (1) A municipal council must appoint one or more municipal recovery managers for its municipal district.
- 10 (2) A municipal recovery manager is responsible for—
- 15 (a) coordinating, in consultation with agencies, the resources of the municipal council and the community for the purposes of recovery; and
- (b) liaising with any municipal emergency management officer appointed for the municipal district in relation to the use of the municipal council's resources for the purposes of recovery; and
- (c) assisting any municipal emergency management officer appointed for the municipal district with planning and preparing for recovery."

20 **Division 4—Amendments to Part 6A of the
Emergency Management Act 2013**

69 Principles underlying the preparation and contents of emergency management plans

25 For section 60AA(3) of the Principal Act
substitute—

- 30 "(3) In performing any duties or functions or exercising any powers under Part 5, 6 or this Part, the State Crisis and Resilience Council, the Emergency Management Commissioner, each Regional Emergency Management Planning Committee and each Municipal Emergency Management Planning Committee are to have regard to

the principles referred to in subsections (1) and (2)."

70 Definitions

In section 60AB of the Principal Act—

- 5 (a) in the definition of *relevant approver*, in paragraph (b), for "Commissioner;" **substitute** "Commissioner; and";
- (b) in the definition of *relevant approver*, after paragraph (b) **insert**—
- 10 "(c) in relation to a municipal emergency management plan, the Regional Emergency Management Planning Committee for the region in which the relevant municipal district is located;"
- 15 (c) in the definition of *relevant preparer*, in paragraph (b), for "region." **substitute** "region; and";
- (d) in the definition of *relevant preparer*, after paragraph (b) **insert**—
- 20 "(c) in relation to a municipal emergency management plan for a municipal district, the Municipal Emergency Management Planning Committee for that municipal district."

25 **71 New section 60ADB inserted**

After section 60ADA of the Principal Act **insert**—

"60ADB Preparation of municipal emergency management plans

- 30 (1) The Municipal Emergency Management Planning Committee for a municipal district must arrange for the preparation of a municipal emergency management plan to provide for an integrated, coordinated
-

and comprehensive approach to emergency management in relation to that municipal district.

- 5 (2) Two or more Municipal Emergency Management Planning Committees may collaborate when each preparing a municipal emergency management plan which may include incorporating, replicating or referring to documents developed in collaboration.
- 10 (3) Although 2 or more Municipal Emergency Management Planning Committees may plan and act jointly in relation to each Committee's municipal emergency management plan, each Committee is
- 15 separately responsible for ensuring that its municipal emergency management plan is prepared in accordance with this Act."

72 Consultation during preparation of regional emergency management plans

- 20 (1) In section 60AFA(1)(a) of the Principal Act, for "municipal council of" **substitute** "Municipal Emergency Management Planning Committee for".
- 25 (2) For the note at the foot of section 60AFA(1)(a) of the Principal Act **substitute**—
- "Note**
- Section 5(2) of the **Alpine Resorts (Management) Act 1997** provides that, for the purposes of this Act—
- 30 (a) the area of certain alpine resorts is taken to be a municipal district; and
- (b) the area of certain alpine resorts together with certain municipal districts is taken to be a municipal district."

73 New section 60AFB inserted

After section 60AFA of the Principal Act **insert—**

"60AFB Consultation during preparation of municipal emergency management plans

- 5 (1) During the course of preparing a municipal emergency management plan, the Municipal Emergency Management Planning Committee—
- 10 (a) must consult any sector of the community that the Municipal Emergency Management Planning Committee considers appropriate; and
- 15 (b) must have regard to any relevant community emergency management plan that is prepared wholly or partly in relation to the relevant municipal district; and
- 20 (c) may consult any body, Department or other agency that the Municipal Emergency Management Planning Committee considers appropriate.
- 25 (2) In subsection (1)(b)—
- community emergency management plan* means a plan in relation to preparing for emergencies that is prepared by the community, or a sector of the community, located within one or more municipal districts."

74 Submission of statement of assurance to relevant approver

After section 60AG(3) of the Principal Act
insert—

- 5 "(4) Each Municipal Emergency Management
 Planning Committee that has prepared a
 municipal emergency management plan
 (whether or not in collaboration with one or
10 more Municipal Emergency Management
 Planning Committees) must prepare and
 submit a statement of assurance in relation
 to that plan in accordance with this section."

75 Publication of emergency management plan

- 15 (1) In section 60AI(1)(a) of the Principal Act, for
 "provide" **substitute** "provide, other than in the
 case of a municipal emergency management
 plan,".

- (2) After section 60AI(1)(a) of the Principal Act
 insert—

- 20 "(ab) in the case of a municipal emergency
 management plan, must provide the relevant
 municipal council with a copy of the plan
 in a form suitable for publication on the
 municipal council's Internet site on behalf
25 of the relevant Municipal Emergency
 Management Planning Committee; and".

- (3) At the foot of section 60AI(1) of the Principal Act
 insert—

"Note

- 30 Section 5(2) of the **Alpine Resorts (Management)
 Act 1997** provides that, for the purposes of this Act, the
 Board of certain alpine resorts is taken to be a municipal
 council."

- 5 (4) In section 60AI(2) of the Principal Act, after "Emergency Management Victoria" **insert** "(or, in the case of a municipal emergency management plan, the relevant municipal council)".

76 When does an emergency management plan come into effect?

In section 60AJ of the Principal Act, after "section 60AI(1)(a)" **insert** "or (ab)".

10 **77 Urgent update of emergency management plan**

(1) In section 60AM(1)(b) and (2) of the Principal Act, for "sections 60AF or 60AFA" **substitute** "sections 60AF, 60AFA or 60AFB".

15 (2) In section 60AM(3)(a) of the Principal Act, after "section 60AI(1)(a)" **insert** "or (ab), as the case may be".

78 Review of emergency management plan

In section 60AN(2)(a) of the Principal Act, after "region" **insert** "or municipal district".

20 **Division 5—Consequential amendments to other Acts**

79 Alpine Resorts (Management) Act 1997

- 25 (1) In section 5 of the **Alpine Resorts (Management) Act 1997**—
- (a) **omit** "the **Emergency Management Act 1986**, the **Emergency Management Act 2013** and";
- (b) in paragraph (d), for "district; and" **substitute** "district.";
- 30 (c) paragraph (e) is **repealed**.

(2) At the end of section 5 of the **Alpine Resorts (Management) Act 1997** insert—

"(2) For the purposes of the **Emergency Management Act 2013**—

- 5 (a) the following are taken to be a municipal council—
- 10 (i) the Board of an alpine resort not referred to in subsection (3) or (5);
 - 10 (ii) a Board established for 2 or more alpine resorts not referred to in subsection (3) or (5);
 - 15 (iii) a principal Board that is appointed under subsection (3);
 - 15 (iv) a principal municipal council that is appointed under subsection (5); and
- (b) the following are taken to be a municipal district—
- 20 (i) the area of an alpine resort whose Board is not referred to in subsection (3) or (5);
 - 25 (ii) the whole area of 2 or more alpine resorts for which a single Board is established that is not referred to in subsection (3) or (5);
 - 30 (iii) the whole area of all the alpine resorts whose Board appoints a principal Board under subsection (3);
 - (iv) the whole area of—
 - (A) all the alpine resorts whose Board appoints a municipal council as a principal
-

Part 5—Municipal level amendments

- 5 municipal council under subsection (5); and
- (B) the municipal district of the municipal council referred to in sub-subparagraph (A); and
- 10 (c) the following are taken to be the Chief Executive Officer of the relevant municipal council referred to in paragraph (a)—
- 15 (i) the chief executive officer of the Board of an alpine resort not referred to in subsection (3) or (5);
- (ii) the chief executive officer of the single Board established for 2 or more alpine resorts not referred to in subsection (3) or (5);
- 20 (iii) the chief executive officer of a principal Board appointed under subsection (3).
- (3) For the purposes of the **Emergency Management Act 2013**, 2 or more Boards may appoint one of the Boards to be the principal Board in relation to emergency management.
- 25 (4) An appointment under subsection (3) is subject to the approval of the Regional Emergency Management Planning Committee for each region in which an alpine resort whose Board is referred to in that subsection is located.
- 30 (5) For the purposes of the **Emergency Management Act 2013**, one or more Boards may appoint a municipal council to be the principal municipal council in relation to emergency management.
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Part 5—Municipal level amendments

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- (6) An appointment under subsection (5) is subject to the approval of—
- (a) the municipal council that is proposed to be appointed; and
 - (b) the Regional Emergency Management Planning Committee for the region in which the relevant municipal district is located; and
 - (c) the Regional Emergency Management Planning Committee for each region in which an alpine resort whose Board is referred to in that subsection is located."

- 15
- (3) After section 79 of the **Alpine Resorts (Management) Act 1997** insert—

"80 Principal Boards

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On and from the commencement of Part 5 of the **Emergency Management Legislation Amendment Act 2018**, a principal municipal council appointed by 2 or more Boards under section 19 of the **Emergency Management Act 1986** (as in force immediately before that commencement) is taken to be appointed as a principal Board under section 5(3) of this Act.

81 Principal municipal councils

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On and from the commencement of Part 5 of the **Emergency Management Legislation Amendment Act 2018**, a principal municipal council appointed by one or more Boards and a municipal council under section 19 of the **Emergency Management Act 1986** (as in force immediately before that commencement) is taken to be appointed as a principal

municipal council under section 5(5) of this Act."

80 Country Fire Authority Act 1958

- 5
- (1) Part IV of the **Country Fire Authority Act 1958** is repealed.
 - (2) Section 110(1)(zb) of the **Country Fire Authority Act 1958** is repealed.

81 Electricity Safety Act 1998

- 10
- (1) In the heading to Division 2A of Part 8 of the **Electricity Safety Act 1998**, for "fire prevention" substitute "emergency management".
 - 15
(2) In the heading to section 86B of the **Electricity Safety Act 1998**, for "fire prevention" substitute "emergency management".
 - 20
(3) In section 86B of the **Electricity Safety Act 1998**, for "section 55A of the **Country Fire Authority Act 1958**, a Council must, in a municipal fire prevention plan required to be prepared and maintained under that section" substitute "section 60ADB or 60AN of the **Emergency Management Act 2013**, a Municipal Emergency Management Planning Committee must, in a municipal emergency management plan prepared under section 60ADB or in an updated municipal emergency management plan prepared under section 60AN (as the case may be)".

25

82 Emergency Management Act 1986

- 30
- (1) Section 4A of the **Emergency Management Act 1986** is repealed.
 - (2) Part 4 of the **Emergency Management Act 1986** is repealed.
 - (3) Section 39(c) of the **Emergency Management Act 1986** is repealed.

83 Victoria State Emergency Service Act 2005

(1) Sections 5(1)(a) and 6(3)(a) of the **Victoria State Emergency Service Act 2005** are repealed.

(2) For section 34(1) of the **Victoria State Emergency Service Act 2005** substitute—

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"(1) An application for the registration of a group of persons as a unit of the Service may be made to the Authority by a municipal council."

Part 6—Miscellaneous amendments

Division 1—Amendment of Emergency Management Act 2013

84 Inspector-General for Emergency Management

5 For section 61(2) of the Principal Act
substitute—

"(2) Subject to subsection (3) and on the advice
of the Minister, the Governor in Council
may appoint a person as Inspector-General
10 for Emergency Management.

(3) A person is not eligible for appointment
unless the Governor in Council is satisfied
that the person has appropriate management,
15 professional, technical and operational
expertise in emergency management and
appropriate skills to perform the functions
of the Inspector-General for Emergency
Management set out in section 64."

85 New sections 61A, 61B, 61C, 61D and 61E inserted

20 After section 61 of the Principal Act **insert—**

"61A Remuneration and allowances

(1) The Inspector-General for Emergency
Management is entitled to be paid the
remuneration and allowances that are
25 determined by the Governor in Council.

(2) The remuneration of the Inspector-General
for Emergency Management cannot be
reduced during the Inspector-General's term
of office unless the Inspector-General
30 consents to the reduction.

61B Terms and conditions

- 5
- (1) The Inspector-General for Emergency Management—
- (a) holds office for the period, not exceeding 5 years, specified in the Inspector-General's instrument of appointment; and
- (b) is eligible for re-appointment; and
- 10 (c) holds office on the terms and conditions determined by the Governor in Council.
- (2) The Inspector-General for Emergency Management must be appointed on a full-time basis.

61C Resignation or vacancy in office

- 15 The Inspector-General for Emergency Management ceases to hold office if the Inspector-General—
- (a) resigns by notice in writing delivered to the Governor in Council; or
- 20 (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
- 25 (d) nominates for election for the Parliament of Victoria or of the Commonwealth or of another State or a Territory of the Commonwealth; or
- 30 (e) is suspended or removed from office under section 61D.

61D Suspension and removal from office

The Governor in Council may suspend or remove the Inspector-General for Emergency Management from office on any of the following grounds—

5

- (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 Inspector-General for Emergency Management is unfit to hold office.

10

61E Acting Inspector-General for Emergency Management

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- (1) If the Inspector-General for Emergency Management ceases to hold office in accordance with section 61C, the Minister must appoint a person to act in the office of Inspector-General for Emergency Management.
- (2) The Minister may appoint a person to act in the office of the Inspector-General for Emergency Management during a period when the Inspector-General for Emergency Management is absent from duty.
- (3) Subject to this section, a person appointed under subsection (1) or (2) can be appointed for a period not exceeding 12 weeks.
- (4) If the Minister considers it necessary to do so, the Minister may extend the period of appointment under subsection (3) for a further period not exceeding 12 weeks or further periods each of which must not exceed 12 weeks.

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- (5) While a person is acting in the office of Inspector-General for Emergency Management, 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 Inspector-General for Emergency Management would have been entitled to."
- 10

86 New section 63A inserted

After section 63 of the Principal Act **insert**—

"63A Provision of staff and contractors

- 15
- (1) The Secretary for the Department of Justice and Regulation must ensure that persons employed under Part 3 of the **Public Administration Act 2004** are made available to assist the Inspector-General for Emergency Management in the performance of the functions and the exercise of the powers of the Inspector-General for Emergency Management.
- 20
- (2) The Inspector-General for Emergency Management may enter into agreements or arrangements with a person or body for the purpose of obtaining appropriate expertise to assist the Inspector-General for Emergency Management in the performance of the functions and the exercise of the powers of the Inspector-General for Emergency Management."
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87 Functions of the Inspector-General for Emergency Management

(1) In section 64(1)(a) of the Principal Act—

(a) for "a monitoring and" **substitute** "an";

5

(b) after "be" **insert** "monitored and".

(2) In section 64(1)(b) of the Principal Act **omit** "monitoring and".

88 Provisions relating to the monitoring and assurance framework

10

(1) In the heading to section 65 of the Principal Act **omit** "monitoring and".

(2) In section 65(2) of the Principal Act—

(a) for "a monitoring and" **substitute** "an";

(b) **omit** "monitoring and".

15

(3) In section 65(3) and (4) of the Principal Act **omit** "monitoring and".

89 Delegation by relevant Minister

In section 74G(1)(b) of the Principal Act, for "section 74E" **substitute** "section 74E(2)".

20

90 New Part 9 inserted—transitional provision

After Part 8 of the Principal Act **insert**—

"Part 9—Transitional provisions

78 Assurance framework

25

On and from the day on which section 87 of the **Emergency Management Legislation Amendment Act 2018** comes into operation—

- 5 (a) for the purposes of Part 7, a monitoring and assurance framework referred to in that Part (as in force immediately before that day) is taken to be an assurance framework; and
- 10 (b) unless the context otherwise requires, a reference to a monitoring and assurance framework in any Act (other than this Act), subordinate instrument or other document is taken to be construed as a reference to an assurance framework."

Division 2—Amendment of Alpine Resorts (Management) Act 1997

91 Operation of other Acts in relation to alpine resorts

15 In section 5 of the **Alpine Resorts (Management) Act 1997**—

- (a) in paragraph (a), for "board" **substitute** "Board";
- 20 (b) in paragraph (b), for "district." **substitute** "district; and";
- (c) after paragraph (b) **insert**—
- "(c) a Board established in relation to 2 or more alpine resorts is deemed to be a municipal council; and
- 25 (d) 2 or more alpine resorts for which a single Board is established are deemed to be a municipal district."

92 New Division 6 of Part 6 inserted

At the end of Part 6 of the **Alpine Resorts (Management) Act 1997** insert—

5 **"Division 6—Transitional provisions—
Emergency Management Legislation
Amendment Act 2018**

**79 Audit of municipal emergency
management plan—Southern Alpine
Resort Management Board**

10 Despite anything to the contrary in section
21A(1) of the **Emergency Management
Act 1986**, the first municipal emergency
15 management plan prepared under section 20
of that Act by the Southern Alpine Resort
Management Board after the commencement
of section 6 of the **Alpine Resorts
Legislation Amendment Act 2016** must
be audited before 31 January 2019."

20 **Division 3—Amendment of Victoria State
Emergency Service Act 2005**

93 Section 53 substituted

For section 53 of the **Victoria State Emergency
Service Act 2005** substitute—

25 **"53 Entitlement where damages otherwise
payable**

(1) If compensation under this Part is paid to a
registered member or probationary member
in respect of personal injury or loss of,
or damage to, property and an award of
30 damages is made to the registered member
or probationary member against a person
other than the Authority in respect of the
same injury, loss or damage, the Minister

- 5 may bring a proceeding against the registered member or probationary member in a court of competent jurisdiction to recover as a debt due by the registered member or probationary member to the Crown whichever of the following amounts is the less—
- (a) the amount of compensation received;
 - (b) the amount of damages received.
- 10 (2) If compensation under this Part is paid to a registered member or probationary member in respect of personal injury or loss of, or damage to, property and a compromise or a settlement is reached with the registered
- 15 member or probationary member by a person other than the Authority in respect of the same injury, loss or damage, the Minister may bring a proceeding against that person in a court of competent jurisdiction to
- 20 recover as a debt due by the registered member or probationary member to the Crown whichever of the following amounts is the less—
- (a) the amount of compensation received;
 - (b) the amount received under the compromise or settlement.
- 30 (3) If compensation under this Part is paid to a registered member or probationary member in respect of personal injury or loss of, or damage to, property and, subsequently, an award of damages is made to the registered member or probationary member in respect of the same injury, loss or damage against the Authority, the amount of damages to be
- 35 paid must be reduced by the amount of compensation received.
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- (4) If compensation under this Part is paid to a registered member or probationary member in respect of personal injury or loss of, or damage to, property and, subsequently, a compromise or a settlement is reached with the registered member or probationary member by the Authority in respect of the same injury, loss or damage, the amount to be paid under the compromise or settlement must be reduced by the amount of compensation received.
 - (5) If a registered member or probationary member is entitled to compensation under this Part in respect of personal injury or loss of, or damage to, property and an award of damages is made to the registered member or probationary member in respect of the same injury, loss or damage against a person or the Authority, the amount of compensation to be paid must be reduced by the amount of damages received.
 - (6) If a registered member or probationary member is entitled to compensation under this Part in respect of personal injury or loss of, or damage to, property and a compromise or a settlement is reached with the registered member or probationary member by a person or the Authority in respect of the same injury, loss or damage, the amount of compensation to be paid must be reduced by the amount received under the compromise or settlement."

94 New section 59 inserted

After section 58 of the **Victoria State Emergency Service Act 2005** insert—

5 **"59 Transitional provision—Emergency Management Legislation Amendment Act 2018**

10 Despite the substitution of section 53 by section 93 of the **Emergency Management Legislation Amendment Act 2018**, section 53 as in force immediately before the day on which section 93 of the **Emergency Management Legislation Amendment Act 2018** comes into operation applies to compensation under Part 4 and damages in respect of personal injury or loss of, or damage to, property incurred before that day."

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95 New Part 6 inserted

20 After Part 5 of the **Victoria State Emergency Service Act 2005** insert—

"Part 6—Fawkner Crematorium and Memorial Park land

60 Revocation of reservation

25 The reservation of land described in Schedule 1 by section 86(1)(b) of the **Cemeteries Act 1958** as in force immediately before its repeal is revoked to the extent that it applies to the land shown as Crown Allotment 2038 on the plan numbered OP124572 lodged in the Central Plan Office.

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61 Consequences of revocation

On the revocation of the reservation referred to in section 60 of the land shown as Crown Allotment 2038 on the plan numbered

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(a) that land is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

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(b) the appointment of any committee of management of that land is revoked to the extent that it relates to that land; and

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(c) subject to section 62(c), the appointment of any trustee of that land is revoked to the extent that it relates to that land; and

20

(d) any regulations under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

62 Temporary reservation for cemetery purposes

On the revocation of the reservation referred to in section 60 of the land shown as Crown Allotment 2038 on the plan numbered

25

(a) that land is taken to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for cemetery purposes; and

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(b) that land is taken to be a public cemetery established under section 4 of the **Cemeteries and Crematoria Act 2003**; and

35

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(c) the Greater Metropolitan Cemeteries Trust continues to administer that land as the cemetery trust for the Fawkner Crematorium and Memorial Park under the **Cemeteries and Crematoria Act 2003** as if it had been appointed as a cemetery trust for that land under section 8(1)(a) of that Act."

10

96 New Schedule 1 inserted

After Part 6 of the **Victoria State Emergency Service Act 2005** insert—

"Schedule 1—Land in respect of which reservation is revoked

Fawkner Crematorium and Memorial Park land

| | |
|-----------------------------|---|
| Situation and area of land: | Parish of Will-will-rook, being 152.9 hectares less authorised excisions. |
| Instrument of reservation: | Section 86(1)(b) of the Cemeteries Act 1958 , as in force immediately before its repeal. |
| Purpose of reservation: | A place for the interment of the dead. |
| Extent of revocation: | Crown Allotment 2038 on plan OP124572 lodged in the Central Plan Office. |

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"

Part 7—Repeal of amending Act

97 Repeal of amending Act

This Act is **repealed** on 1 December 2021.

Note

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

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.