

**Authorised Version No. 045**  
**Emergency Management Act 1986**

**No. 30 of 1986**

Authorised Version incorporating amendments as at  
1 May 2012

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**The Parliament of Victoria enacts as follows:**

**PART 1—PRELIMINARY**

**1 Purpose**

The purpose of this Act is to provide for the organisation of emergency management in Victoria.

S. 1  
substituted by  
No. 97/1994  
s. 3.

**2 Commencement**

This Act comes into operation on a day or days to be proclaimed.

**3 Repeal**

The **State Disasters Act 1983** is repealed.

No. 10010.

**4 Definitions**

(1) In this Act—

*active standby duty* means being available at a particular place so that assistance can be quickly provided in the event of an emergency or a request for assistance;

S. 4(1) def. of  
*active  
standby duty*  
inserted by  
No. 50/1989  
s. 50(a).

*agency* means a government agency or a non-government agency;

\* \* \* \* \*

S. 4(1) def. of  
*casual  
emergency  
worker*  
inserted by  
No. 75/1986  
s. 4,  
repealed by  
No. 97/1994  
s. 4(1).

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S. 4(1) def. of  
*chief officer*  
inserted by  
No. 73/2010  
s. 35.

*chief officer* in relation to a fire services agency—

- (a) means the Chief Fire Officer of the Department of Sustainability and Environment, the Chief Officer of the Country Fire Authority and the Chief Officer of the Metropolitan Fire and Emergency Services; and
- (b) includes any person nominated by a person referred to in paragraph (a) to exercise the powers of that person under section 16, 16A or 16B;

S. 4(1) def. of  
*Commissioner*  
inserted by  
No. 48/2000  
s. 4,  
amended by  
No. 108/2004  
s. 117(1)  
(Sch. 3  
item 65.1).

*Commissioner* means the person who, for the time being, is employed as Emergency Services Commissioner under the **Public Administration Act 2004**;

S. 4(1) def. of  
*Co-ordinator in Chief*  
amended by  
No. 97/1994  
s. 7(1)(a),  
repealed by  
No. 56/2011  
s. 5(a).

\* \* \* \* \*

S. 4(1) def. of  
*Council*  
amended by  
No. 97/1994  
s. 7(1)(b).

*Council* means the Victoria Emergency Management Council established under section 8;

S. 4(1) def. of  
*Deputy Co-ordinator in Chief*  
amended by  
No. 97/1994  
s. 7(1)(a),  
repealed by  
No. 56/2011  
s. 5(a).

\* \* \* \* \*

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\* \* \* \* \*

S. 4(1) def. of *DISPLAN* amended by No. 97/1994 s. 7(1)(c), repealed by No. 56/2011 s. 9(1)(a).

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

S. 4(1) def. of *emergency* amended by Nos 97/1994 s. 4(2)(a)(b), 50/1999 s. 34(1)(a), 56/2011 s. 10.

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

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S. 4(1) def. of  
*emergency  
activity*  
inserted by  
No. 97/1994  
s. 4(3),  
amended by  
No. 56/2011  
s. 9(1)(b).

*emergency activity* means—

- (a) performing a role or discharging a responsibility of an agency in accordance with the state emergency response plan or the state emergency recovery plan; or
- (b) training or practising for an activity referred to in paragraph (a) or being on active standby duty; or
- (c) travelling to or from the place where an activity referred to in paragraph (a) or (b) has occurred or is to occur;

S. 4(1) def. of  
*emergency  
area*  
inserted by  
No. 97/1994  
s. 4(3).

*emergency area* means an emergency area declared under section 36A;

S. 4(1) def. of  
*emergency  
management*  
inserted by  
No. 97/1994  
s. 4(3).

*emergency management* means the organisation and management of resources for dealing with all aspects of emergencies;

S. 4(1) def. of  
*emergency  
services  
agency*  
inserted by  
No. 48/2000  
s. 4,  
amended by  
No. 51/2005  
s. 58(2).

*emergency services agency* means any of the following—

- (a) the Country Fire Authority established under the **Country Fire Authority Act 1958**;
- (b) the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958**;
- (c) the Victoria State Emergency Service Authority established under the **Victoria State Emergency Service Act 2005**;
- (d) any other prescribed agency;

***Emergency Services Telecommunications Authority*** has the same meaning as ***Authority*** has in the **Emergency Services Telecommunications Authority Act 2004**;

S. 4(1) def. of *Emergency Services Telecommunications Authority* inserted by No. 98/2004 s. 36.

***essential service*** means any of the following services—

S. 4(1) def. of *essential service* inserted by No. 50/1999 s. 34(1)(b).

- (a) transport;
- (b) fuel (including gas);
- (c) light;
- (d) power;
- (e) water;
- (f) sewerage;
- (g) a service (whether or not of a type similar to the foregoing) declared to be an essential service by the Governor in Council under subsection (2);

***fire services agency*** has the same meaning as in the **Fire Services Commissioner Act 2010**;

S. 4(1) def. of *fire services agency* inserted by No. 73/2010 s. 35.

***Fire Services Commissioner*** means the person appointed under section 5 of the **Fire Services Commissioner Act 2010**;

S. 4(1) def. of *Fire Services Commissioner* inserted by No. 73/2010 s. 35.



**government agency** means—

- (a) any body corporate or unincorporate constituted by or under any Act for a public purpose; and
- (b) any member or officer of such a body; and
- (c) any person in the service of the Crown in the right of the State of Victoria upon whom any function, power, duty or responsibility is conferred by or under any Act;

S. 4(1) def. of *major fire* inserted by No. 73/2010 s. 35.

**major fire** has the same meaning as in the **Fire Services Commissioner Act 2010**;

**non-government agency** means a voluntary organization or any other person or body other than a government agency;

S. 4(1) def. of *region* repealed by No. 97/1994 s. 8(a).

\* \* \* \* \*

S. 4(1) def. of *state emergency recovery plan* inserted by No. 56/2011 s. 9(1)(c).

**state emergency recovery plan** means the plan referred to in section 17A;

S. 4(1) def. of *State Coordinator* substituted as *State Emergency Response Coordinator* by No. 56/2011 s. 5(b).

**State Emergency Response Coordinator** means the State Emergency Response Coordinator referred to in section 11;

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***state emergency response plan*** means the plan referred to in section 10;

S. 4(1) def. of *state emergency response plan* inserted by No. 56/2011 s. 9(1)(c).

***volunteer emergency worker*** means a volunteer worker who engages in emergency activity at the request (whether directly or indirectly) or with the express or implied consent of the chief executive (however designated), or of a person acting with the authority of the chief executive, of an agency to which the state emergency response plan or the state emergency recovery plan applies;

S. 4(1) def. of *volunteer emergency worker* inserted by No. 97/1994 s. 4(3), amended by No. 56/2011 s. 9(1)(b).

\* \* \* \* \*

S. 4(1) def. of *zone* repealed by No. 97/1994 s. 8(a).

(2) The Governor in Council, by order published in the Government Gazette, may declare a service to be an essential service for the purposes of this Act.

S. 4(2) inserted by No. 50/1999 s. 34(2).

\* \* \* \* \*

S. 4(2) repealed by No. 97/1994 s. 4(4), new s. 4(2) inserted by No. 86/1998 s. 19, re-numbered s. 4(3) by No. 74/2000 s. 3(Sch. 1 item 40), substituted by No. 59/2003 s. 117, repealed by No. 74/2006 s. 24.

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S. 4(3)  
repealed by  
No. 75/1986  
s. 5.

S. 4A  
inserted by  
No. 97/1994  
s. 5.

\* \* \* \* \*

#### 4A Objectives of Act

The objectives of this Act are to ensure that the following components of emergency management are organised within a structure which facilitates planning, preparedness, operational co-ordination and community participation—

- (a) prevention—the elimination or reduction of the incidence or severity of emergencies and the mitigation of their effects;
- (b) response—the combating of emergencies and the provision of rescue and immediate relief services;
- (c) recovery—the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning.

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**PART 2—ADMINISTRATION**

**5 Role of Minister**

- (1) The role of the Minister is to ensure that satisfactory emergency management arrangements are in place to facilitate the prevention of, response to and recovery from emergencies.
- (2) The Minister is not responsible for operational matters in relation to emergency management.

S. 5  
amended by  
No. 97/1994  
s. 7(1)(d)(e),  
substituted by  
No. 56/2011  
s. 6.

**6 Responsibility of State Emergency Response Coordinator**

The State Emergency Response Coordinator is responsible for ensuring that the Minister is provided with timely and up to date information in relation to—

- (a) the actual or imminent occurrence of events which may lead to emergencies;
- (b) the response to emergencies.

S. 6  
amended by  
No. 97/1994  
s. 6,  
substituted by  
No. 56/2011  
s. 6.

**7 Delegation by Minister**

The Minister may by instrument delegate to the State Emergency Response Coordinator or any other person any power or function of the Minister under this Act or the regulations other than this power of delegation.

S. 7  
substituted by  
No. 56/2011  
s. 6.

**8 Victoria Emergency Management Council**

- (1) There is hereby established a council to be called the Victoria Emergency Management Council to advise the Minister on all matters, including the co-ordination of activities of government and non-government agencies, relating to the prevention of, response to and recovery from emergencies.

S. 8(1)  
amended by  
Nos 97/1994  
s. 7(1)(f),  
56/2011  
s. 7(1).

S. 8(2)(a)  
substituted by  
No. 48/2000  
s. 5(1),  
amended by  
56/2011  
s. 7(1).

S. 8(2)(b)  
amended by  
56/2011  
s. 7(1).

S. 8(3)  
repealed by  
No. 75/1986  
s. 6,  
new s. 8(3)  
inserted by  
No. 48/2000  
s. 5(2).

S. 9 (Heading)  
inserted by  
No. 56/2011  
s. 7(2).

S. 9  
amended by  
No. 56/2011  
s. 7(1).

S. 9A  
inserted by  
No. 3/1999  
s. 5,  
substituted by  
No. 56/2011  
s. 11.

(2) The Council is to consist of—

(a) the Minister or a person nominated by the Minister as chairperson; and

(b) to represent each of those agencies referred to in subsection (1) which the Minister considers should be so represented, a person nominated—

(i) in the case of a government agency, by the responsible Minister; and

(ii) in the case of a non-government agency, by the agency.

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

## 9 Committees established by Minister

The Minister, after considering the advice of the Council, may establish such committees as are necessary to ensure comprehensive and integrated emergency management.

### 9A Change of names or titles

Despite the changes of names or titles made by the **Emergency Management Legislation Amendment Act 2011**—

(a) the Minister is to be taken to be the same person as the Co-ordinator in Chief of Emergency Management;

- 
- (b) the State Emergency Response Coordinator is to be taken to be the same person as the State Co-ordinator of DISPLAN;
  - (c) the Deputy State Emergency Response Coordinator is to be taken to be the same person as the Deputy State Co-ordinator of DISPLAN;
  - (d) an emergency response Coordinator is to be taken to be the same person as a Co-ordinator of DISPLAN;
  - (e) the state emergency response plan is to be taken to be the same plan as DISPLAN—
- and no act, matter or thing is in any way abated or affected by that change.
-

s. 10

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### **PART 3—STATE EMERGENCY RESPONSE PLAN**

Pt 3 (Heading)  
amended by  
No. 56/2011  
s. 9(2).

#### **10 Minister to prepare state emergency response plan**

S. 10  
(Heading)  
inserted by  
No. 56/2011  
s. 7(3).

S. 10  
amended by  
Nos 75/1986  
s. 7(a),  
97/1994  
s. 7(1)(g).

S. 10(1)  
amended by  
No. 56/2011  
ss 7(1), 9(3).

(1) The Minister must arrange for the preparation and review from time to time of a state emergency response plan for the co-ordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies.

S. 10(2)  
inserted by  
No. 75/1986  
s. 7(b),  
amended by  
Nos 97/1994  
s. 7(1)(f),  
56/2011  
ss 7(1), 9(4).

(2) The Minister must consult with the Victoria Emergency Management Council before arranging for the preparation and review of the state emergency response plan.

#### **11 State Emergency Response Coordinator and Deputy**

S. 11  
(Heading)  
inserted by  
No. 56/2011  
s. 8(1).

S. 11(1)  
amended by  
No. 56/2011  
ss 8(2), 9(4).

(1) The State Emergency Response Coordinator is to be the Chief Commissioner of Police who is to be responsible under the state emergency response plan for the co-ordination of the activities of agencies having roles or responsibilities in relation to the response to emergencies.

- (2) The State Emergency Response Coordinator must appoint a member of the police force to be a Deputy State Emergency Response Coordinator to assist the State Emergency Response Coordinator.

S. 11(2)  
amended by  
No. 56/2011  
s. 8(3)(4).

**12 Delegation by State Emergency Response Coordinator**

S. 12  
(Heading)  
inserted by  
No. 56/2011  
s. 8(5).

The State Emergency Response Coordinator may, by instrument, delegate to the Deputy State Emergency Response Coordinator or any other person any power or function of the State Emergency Response Coordinator under this Act or the regulations, except this power of delegation.

S. 12  
amended by  
No. 56/2011  
s. 8(3)(4).

**13 Regional and municipal district emergency response Coordinators**

S. 13  
(Heading)  
inserted by  
No. 56/2011  
s. 9(5).

- (1) The State Emergency Response Coordinator must appoint a member of the police force to be an emergency response Coordinator for each region and municipal district.

S. 13(1)  
amended by  
Nos 97/1994  
s. 8(b),  
56/2011  
ss 8(3), 9(6).

- (2) In the event of an emergency, directions concerning the allocation of resources in responding to that emergency may be given to all relevant agencies having roles or responsibilities in relation to the response to emergencies by—

(a) in the case of an emergency which affects one municipal district only, the co-ordinator appointed for that municipal district; or

S. 13(2)(a)  
amended by  
No. 97/1994  
s. 8(c).

(b) in the case of an emergency which affects more than one municipal district within a region, the co-ordinator appointed for that region; or

S. 13(2)(b)  
amended by  
No. 97/1994  
s. 8(c)(d).



s. 14

S. 13(2)(c)  
amended by  
Nos 97/1994  
s. 8(d),  
56/2011  
s. 8(3).

- (c) in the case of an emergency which affects more than one region, the State Emergency Response Coordinator.

S. 14  
(Heading)  
inserted by  
No. 56/2011  
s. 9(7).

#### 14 Emergency response Committees

The State Emergency Response Coordinator may establish, at State and regional levels, such committees as are necessary to plan the co-ordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies.

S. 14  
amended by  
Nos 97/1994  
s. 8(e),  
56/2011  
s. 8(3).

S. 15  
(Heading)  
inserted by  
No. 56/2011  
s. 9(8).

#### 15 State emergency response plan

The state emergency response plan is to contain provisions—

S. 15  
amended by  
No. 56/2011  
s. 9(9).

- (a) identifying, in relation to each form of emergency specified, the agency primarily responsible for responding to the emergency (referred to in this section as the *responsible agency*); and

- (b) relating to the co-ordination of the activities of other agencies in support of a responsible agency in the event of an emergency; and

S. 15(c)  
substituted by  
No. 97/1994  
s. 9.

- (c) specifying the roles of agencies in the event of an emergency; and

S. 15(d)  
amended by  
No. 97/1994  
s. 8(f).

- (d) specifying the roles and responsibilities of co-ordinators appointed under section 13; and

S. 15(e)  
inserted by  
No. 97/1994  
s. 8(f).

- (e) defining regions for the purpose of section 13.

## 16 Control of response to major fires

- (1) The Fire Services Commissioner has the overall control of response activities in relation to a major fire—
  - (a) which is burning; or
  - (b) which may occur; or
  - (c) which has occurred—  
in any area of the State.
- (2) The Fire Services Commissioner may take overall control of response activities from any one or more of the fire services agencies in relation to a fire if the Fire Services Commissioner considers the fire has become, or reasonably believes has the potential to become, a major fire.
- (3) A chief officer of a fire services agency may transfer overall control of response activities in relation to a fire to the Fire Services Commissioner if the chief officer considers that the fire has become, or reasonably believes has the potential to become, a major fire.
- (4) The Fire Services Commissioner may appoint a chief officer or another officer of one of the fire services agencies to have the overall control of response activities referred to in subsection (1).
- (5) The Fire Services Commissioner, or a chief officer or any officer appointed under subsection (4), may—
  - (a) appoint one or more assistant controllers for the major fire; or
  - (b) transfer control of any response activity to one or more other persons.
- (6) An appointment of an officer under subsection (4) or (5)(a) has effect for the period specified in the instrument of appointment.

S. 16  
amended by  
Nos 75/1986  
s. 8, 46/1998  
s. 7(Sch. 1),  
73/2009 s. 9,  
substituted by  
No. 73/2010  
s. 36.

- (7) The Fire Services Commissioner, or a chief officer or any officer appointed under subsection (4) or (5)(a), who has overall control of response activities in relation to a major fire in any place in Victoria may exercise the powers and authorities conferred by the **Country Fire Authority Act 1958** on the Chief Officer of the Country Fire Authority in relation to the control of response activities in relation to the major fire in relation to which he or she has overall control.
- (8) The provisions of this section prevail over sections 33(2) and 93B(1) of the **Country Fire Authority Act 1958** and section 55E of the **Metropolitan Fire Brigades Act 1958**.

**16A What if Fire Services Commissioner is unavailable to perform function of overall control of major fire**

S. 16A  
inserted by  
No. 97/1994  
s. 10,  
substituted by  
No. 73/2010  
s. 36.

- (1) This section applies if—
  - (a) there is a major fire which is burning, or a major fire may occur or which has occurred, in any area of the State; and
  - (b) the Fire Services Commissioner is unavailable to perform a duty or exercise a function under section 16.
- (2) The chief officers of the fire services agencies may, by agreement, appoint the chief officer or another officer of one of the agencies to have the overall control of response activities in relation to the major fire.
- (3) In the absence of an agreement under subsection (2), the State Co-ordinator may direct a chief officer to appoint a chief officer or another officer of one of the agencies to have the overall control of response activities in relation to the major fire.

- (4) A chief officer or other officer appointed under subsection (2) or (3) may—
  - (a) appoint one or more assistant controllers for the fire; or
  - (b) transfer control of any response activity to one or more other persons.
- (5) An appointment of an officer under subsection (2), (3) or (4)(a) has effect for the period specified in the instrument of appointment.
- (6) Any officer appointed under subsection (2), (3) or (4)(a) may, in the case of a major fire in any place in Victoria, exercise the powers and authorities conferred by the **Country Fire Authority Act 1958** on the Chief Officer of the Country Fire Authority in relation to the control of response activities in relation to the major fire in relation to which he or she has overall control.
- (7) The provisions of this section prevail over sections 33(2) and 93B(1) of the **Country Fire Authority Act 1958** and section 55E of the **Metropolitan Fire Brigades Act 1958**.

**16B State Emergency Response Coordinator may advise or direct Fire Services Commissioner and chief fire officers to exercise control powers**

The State Emergency Response Coordinator may advise, or if the State Emergency Response Coordinator considers it necessary, direct—

- (a) the Fire Services Commissioner to exercise his or her power under section 16(2) or (4);
- (b) a chief officer to exercise his or her power under section 16(3);
- (c) the Fire Services Commissioner, or a chief officer or other officer appointed under section 16(4), to exercise his or her power under section 16(5);

S. 16B  
(Heading)  
amended by  
No. 56/2011  
ss 8(3), 12(1).

S. 16B  
inserted by  
No. 73/2010  
s. 36,  
amended by  
No. 56/2011  
s. 8(3).

**s. 16BA**

S. 16B(d)  
amended by  
No. 56/2011  
s. 12(2).

(d) a chief officer or other officer appointed under subsection 16A(2) or (3) to exercise his or her power under section 16A(4);

S. 16B(e)  
inserted by  
No. 56/2011  
s. 12(3).

(e) a chief officer or other officer appointed under section 16BA(3) or (4) to exercise his or her power under section 16BA(5);

S. 16B(f)  
inserted by  
No. 56/2011  
s. 12(3).

(f) the officer in charge of an agency having overall control of response activities in relation to an emergency, or an officer in charge of another agency to which control of any response activity is transferred under section 16C(2A), to exercise his or her power under section 16C(2B).

S. 16BA  
inserted by  
No. 56/2011  
s. 14.

**16BA Control of response to fire other than a major fire**

- (1) In this section *fire* means a fire other than a major fire.
- (2) This section applies if there is a fire which is burning, or a fire may occur or which has occurred, in any area of the State.
- (3) The chief officers of the fire services agencies may, by agreement, appoint the chief officer or another officer of one of the agencies to have the overall control of response activities in relation to the fire.
- (4) In the absence of an agreement under subsection (3), the State Emergency Response Coordinator may direct a chief officer to appoint a chief officer or another officer of one of the agencies to have the overall control of response activities in relation to the fire.
- (5) A chief officer or other officer appointed under subsection (3) or (4) may—
  - (a) appoint one or more assistant controllers for the fire; or

- (b) transfer control of any response activity to one or more other persons.
- (6) An appointment of an officer under subsection (4) or (5)(a) has effect for the period specified in the instrument of appointment.
- (7) Any officer appointed under subsection (4) or (5)(a) may exercise the powers and authorities conferred by the **Country Fire Authority Act 1958** on the Chief Officer of the Country Fire Authority in relation to the control of response activities in relation to the fire in relation to which he or she has overall control.
- (8) The provisions of this section prevail over sections 33(2) and 93B(1) of the **Country Fire Authority Act 1958** and section 55E of the **Metropolitan Fire Brigades Act 1958**.

**16C Control of emergency responses other than fire**

S. 16C  
inserted by  
No. 73/2010  
s. 36.

- (1) At the request of a State Emergency Response Coordinator or of their own volition, the officers in charge of agencies having roles or responsibilities in relation to emergency response or the senior officer of each such agency may determine the priority of the responsibilities of those agencies either during or in anticipation of an emergency.
- (2) In the absence of an agreement under subsection (1), the State Emergency Response Coordinator may determine the priority of the response roles of the agencies.
- (2A) The officer in charge of an agency having overall control of response activities in relation to an emergency may, with the consent of the officer in charge of another agency, transfer control of any

S. 16C(1)  
amended by  
No. 56/2011  
s. 8(3).

S. 16C(2)  
amended by  
No. 56/2011  
s. 8(3).

S. 16C(2A)  
inserted by  
No. 56/2011  
s. 13(1).

s. 17

response activity in relation to that emergency to any officer of that other agency.

S. 16C(2B)  
inserted by  
No. 56/2011  
s. 13(1).

(2B) The officer in charge of an agency having overall control of response activities in relation to an emergency or an officer in charge of another agency to which control of any response activity is transferred under subsection (2A) may—

(a) appoint one or more controllers or assistant controllers for the emergency; or

(b) transfer control of any response activity to one or more other persons.

S. 16C(2C)  
inserted by  
No. 56/2011  
s. 13(1).

(2C) An appointment of an officer under subsection (2A) or (2B)(a) has effect for the period specified in the instrument of appointment.

S. 16C(2D)  
inserted by  
No. 56/2011  
s. 13(1).

(2D) The officer in charge of another agency to which control of any response activity is transferred under subsection (2A) or an officer appointed under subsection (2B)(a) may exercise the powers of the chief operational officer of the agency having overall control of response activities in relation to the emergency.

S. 16C(3)  
amended by  
No. 56/2011  
s. 13(2).

(3) This section does not apply to an emergency to which section 16, 16A or 16BA applies.

S. 17  
amended by  
No. 56/2011  
s. 9(4).

## 17 Publication

As soon as practicable after the state emergency response plan is prepared or reviewed the Minister must—

S. 17(a)  
amended by  
No. 56/2011  
ss 7(1), 9(4).

(a) in such manner as the Minister determines, publish the state emergency response plan or details of the results of the review (as the case requires); and

Emergency Management Act 1986  
No. 30 of 1986  
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**s. 17**

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- (b) forward a copy of the state emergency response plan or details of the results of the review (as the case requires) to every agency to which the state emergency response plan applies.
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**S. 17(b)**  
**amended by**  
**No. 56/2011**  
**s. 9(4).**



s. 17A

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**PART 3A—RECOVERY PLANNING AND MANAGEMENT**

Pt 3A  
(Heading and  
ss 17A–17F)  
inserted by  
No. 97/1994  
s. 11.

**17A Minister to prepare state emergency recovery plan**

S. 17A  
(Heading)  
inserted by  
No. 56/2011  
s. 7(4).

S. 17A  
inserted by  
No. 97/1994  
s. 11.

(1) The Minister must arrange for the preparation and review from time to time of a state emergency recovery plan for the co-ordinated planning and management of emergency recovery.

S. 17A(1)  
amended by  
No. 56/2011  
s. 7(1).

(2) The Minister must consult with the Victoria Emergency Management Council before arranging for the preparation or review of the state emergency recovery plan.

S. 17A(2)  
amended by  
No. 56/2011  
s. 7(1).

**17B Co-ordinating agency and State Recovery Co-ordinator**

S. 17B  
inserted by  
No. 97/1994  
s. 11.

(1) The Minister must appoint an agency having a role or responsibility in relation to emergency recovery to be the co-ordinating agency for recovery.

S. 17B(1)  
amended by  
No. 56/2011  
s. 7(1).

(2) The co-ordinating agency must, in consultation with the Minister, appoint an officer or employee of the co-ordinating agency to be the State Recovery Co-ordinator.

S. 17B(2)  
amended by  
No. 56/2011  
s. 7(1).

**17C Delegation by State Recovery Co-ordinator**

S. 17C  
inserted by  
No. 97/1994  
s. 11.

The State Recovery Co-ordinator may, by instrument, delegate to any person any power or function of the State Recovery Co-ordinator under

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this Act or the regulations or any other Act, other than this power of delegation.

**17D Regional Co-ordinators**

The State Recovery Co-ordinator must appoint a person to be a Co-ordinator of Recovery for each region.

S. 17D  
inserted by  
No. 97/1994  
s. 11.

**17E Recovery Committees**

The State Recovery Co-ordinator may establish at State and regional levels, such committees as are necessary to plan co-ordinated emergency recovery by all agencies having roles or responsibilities in relation to emergency recovery.

S. 17E  
inserted by  
No. 97/1994  
s. 11.

**17F State emergency recovery plan**

The state emergency recovery plan is to contain provisions—

- (a) specifying the roles of agencies in emergency recovery;
- (b) relating to the co-ordination of the activities of agencies;
- (c) specifying the roles and responsibilities of co-ordinators appointed under section 17D;
- (d) defining regions for the purpose of section 17D.

S. 17F  
inserted by  
No. 97/1994  
s. 11.

s. 18

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**PART 4—RESPONSIBILITIES OF MUNICIPAL COUNCILS**

Pt 4  
(Heading and  
ss 18–21)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items  
34.1–34.7 (as  
amended by  
No. 13/1990  
s. 38(1)(m)),  
34.8, 34.9),  
substituted  
as Pt 4  
(Heading and  
ss 18–21A) by  
No. 97/1994  
s. 12.

S. 18  
substituted by  
No. 97/1994  
s. 12.

**18 Municipal councils may co-operate**

- (1) For the purposes of this Part, 2 or more municipal councils may co-operate in relation to emergency management.
- (2) Unless section 19 applies, although 2 or more municipal councils may plan and act jointly in relation to emergency management, each of the municipal councils is separately responsible for discharging the responsibilities imposed on a municipal council by or under this Part.

S. 19  
substituted by  
No. 97/1994  
s. 12.

**19 Municipal councils may appoint a principal**

- (1) For the purposes of this Part, 2 or more municipal councils may, with the approval of the Minister, appoint one of the municipal councils to be the principal municipal council in relation to emergency management.

S. 19(1)  
amended by  
No. 56/2011  
s. 7(1).

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- (2) If a principal municipal council is appointed, this Part applies as if—
- (a) a reference to a municipal council is a reference to the principal municipal council; and
  - (b) a reference to a municipal district is a reference to the whole area of the municipal districts of all the municipal councils which have appointed the principal municipal council.

## 20 Municipal emergency management plan

- (1) A municipal council must prepare and maintain a municipal emergency management plan.
- (2) A municipal emergency management plan must contain provisions—
  - (a) identifying the municipal resources (being resources owned by or under the direct control of the municipal council) and other resources available for use in the municipal district for emergency prevention, response and recovery; and
  - (b) specifying how such resources are to be used for emergency prevention, response and recovery; and
- (ba) in the case of a municipal district that is located wholly or partly in the country area of Victoria within the meaning of the **Country Fire Authority Act 1958**—
  - (i) identifying all designated neighbourhood safer places in the municipal district or, if no places have been designated under the **Country Fire Authority Act 1958**, recording that fact; and

S. 20 substituted by No. 97/1994 s. 12.

S. 20(2)(ba) inserted by No. 73/2009 s. 10.

(ii) designating any places in the municipal district that are community fire refuges within the meaning of Part IIIA of the **Country Fire Authority Act 1958**; and

(c) relating to any matter prescribed for the purposes of this subsection.

S. 21  
substituted by  
No. 97/1994  
s. 12.

## 21 Municipal co-ordination and planning

- (1) A municipal council must appoint a person or persons to be the municipal emergency resource officer or municipal emergency resource officers.
- (2) A municipal emergency resource officer is responsible to the municipal council for ensuring the co-ordination of municipal resources to be used in emergency response and recovery.
- (3) A municipal council must appoint a municipal emergency planning committee constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues.
- (4) The function of a municipal emergency planning committee is to prepare a draft municipal emergency management plan for consideration by the municipal council.
- (5) A municipal emergency planning committee must give effect to any direction or guidelines issued by the Minister.
- (6) Subject to the regulations, a municipal emergency planning committee may determine its own procedures.

S. 21(5)  
amended by  
No. 56/2011  
s. 7(1).

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**21A Audit of municipal emergency management plans**

S. 21A  
inserted by  
No. 97/1994  
s. 12.

- (1) A municipal emergency management plan must be audited during the period commencing 1 July 1995 and ending 31 December 1996 and thereafter at least once every 3 years by the Chief Officer, Operations of the Victoria State Emergency Service to assess whether the plan complies with guidelines issued by the Minister.
- (2) The Chief Officer, Operations of the Victoria State Emergency Service must during the audit invite submissions on the municipal plan from the regional emergency response committee and the regional recovery committee.
- (3) A municipal council must within 3 months of receiving an audit report forward a copy of its written response to the audit report to the Chief Officer, Operations of the Victoria State Emergency Service.

S. 21A(1)  
amended by  
No. 56/2011  
ss 7(1), 15.

S. 21A(2)  
amended by  
No. 56/2011  
ss 9(10), 15.

S. 21A(3)  
amended by  
No. 56/2011  
s. 15.

s. 21B

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

Pt 4A  
(Heading and  
ss 21B–21I)  
inserted by  
No. 48/2000  
s. 6.

**21B Emergency Services Commissioner**

There is to be an Emergency Services  
Commissioner employed under Part 3 of the  
**Public Administration Act 2004.**

S. 21B  
inserted by  
No. 48/2000  
s. 6,  
amended by  
No. 108/2004  
s. 117(1)  
(Sch. 3  
item 65.2).

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

(1) The Commissioner has the following functions—

S. 21C  
inserted by  
No. 48/2000  
s. 6.

S. 21C(1)(a)  
amended by  
No. 73/2010  
s. 37(1).

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

S. 21C(1)(ab)  
inserted by  
No. 98/2004  
s. 37.

(ab) to monitor and investigate the performance  
(in matters that are not financial matters) of  
the Emergency Services  
Telecommunications Authority in relation to  
the provision of services by the Authority to  
emergency services and other related  
services organisations;

S. 21C(1)(aba)  
inserted by  
No. 73/2010  
s. 37(2).

(aba) to monitor the performance of emergency  
service agencies against standards prepared  
under section 21D;

S. 21C(1)(abb)  
inserted by  
No. 73/2010  
s. 37(2).

(abb) without limiting paragraph (aba), to monitor  
the performance of fire services agencies  
against performance standards developed by  
the Fire Services Commissioner under  
section 19 of the **Fire Services  
Commissioner Act 2010;**

- (ac) to make recommendations to the Minister about matters arising from any monitoring or investigation of the Emergency Services Telecommunications Authority;
- (b) to advise, make recommendations and report to the Minister on any issue in relation to emergency management;
- (c) to encourage and facilitate co-operation between all agencies to achieve the most effective utilisation of all services;
- (d) to act as the Executive Officer of the Council;
- (e) any other function conferred on the Commissioner by or under this or any other Act.
- (2) The Commissioner has all the powers necessary to perform his or her functions.

S. 21C(1)(ac)  
inserted by  
No. 98/2004  
s. 37.

**21D Commissioner to prepare standards**

S. 21D  
inserted by  
No. 48/2000  
s. 6.

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

S. 21D(1)  
amended by  
No. 73/2010  
s. 38.

S. 21D(2)  
amended by  
No. 73/2010  
s. 38.



s. 21E

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**21E Commissioner to monitor standards**

S. 21E  
inserted by  
No. 48/2000  
s. 6,  
amended by  
No. 98/2004  
s. 38 (ILA  
s. 39B(1)).

S. 21E(1)  
substituted by  
No. 73/2010  
s. 39.

- (1) The Commissioner must arrange for the monitoring from time to time of—
- (a) the adoption and compliance with the standards prepared under section 21D by emergency service agencies;
  - (b) the adoption of and compliance with, by fire services agencies, the performance standards developed by the Fire Services Commissioner under section 19 of the **Fire Services Commissioner Act 2010**.

S. 21E(1A)  
inserted by  
No. 73/2010  
s. 39.

- (1A) The Commissioner must, on a quarterly basis, provide the Fire Services Commissioner with a written report assessing the adoption of, and compliance with, the performance standards referred to in subsection (1)(b) by the fire service agencies.

S. 21E(2)  
inserted by  
No. 98/2004  
s. 38.

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

S. 21E(3)  
inserted by  
No. 98/2004  
s. 38.

- (3) The Commissioner may make an arrangement for the monitoring and investigation of the performance of the Emergency Services Telecommunications Authority under subsection (2) either—

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

S. 21E(4)  
inserted by  
No. 98/2004  
s. 38.

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

S. 21F  
inserted by  
No. 48/2000  
s. 6.

- (1) For the purposes of carrying out functions or powers under this Act, the Commissioner may, in writing, require any agency to give to the Commissioner any information that the Commissioner reasonably believes is necessary—
  - (a) to prepare or review a standard for the prevention or management of emergencies prepared under section 21D; or
  - (b) to monitor compliance with a standard for the prevention or management of emergencies prepared under section 21D; or
  - (c) to monitor or investigate the performance of the Emergency Services Telecommunications Authority under this Part; or
  - (d) to make recommendations to the Minister about any matter arising from any monitoring or investigation of the performance of the Emergency Services Telecommunications Authority under this Part.

S. 21F(1)(a)  
amended by  
No. 73/2010  
s. 40.

S. 21F(1)(b)  
amended by  
Nos 98/2004  
s. 39(1)(a),  
73/2010 s. 40.

S. 21F(1)(c)  
inserted by  
No. 98/2004  
s. 39(1)(b).

S. 21F(1)(d)  
inserted by  
No. 98/2004  
s. 39(1)(b).

Emergency Management Act 1986  
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Part 4A—Standards for the Prevention and Management of Emergencies

**s. 21F**

**S. 21F(2)**  
amended by  
No. 98/2004  
s. 39(2).

(2) Within 28 days of receiving a request under subsection (1)(a) or (b), the agency to whom the request has been given must give the information to the Commissioner, unless—

- (a) the Commissioner has agreed to allow an extension of time for the giving of the information; or
- (b) the Commissioner has agreed that the agency is not able to give the information.

**S. 21F(2A)**  
inserted by  
No. 98/2004  
s. 39(3).

(2A) Within 5 days of receiving a request under subsection (1)(c) or (d), the Emergency Services Telecommunications Authority must give the information to the Commissioner, in the form requested by the Commissioner, unless—

- (a) the Commissioner has agreed to allow an extension of time for the giving of the information; or
- (b) the Commissioner has agreed that the Authority is not able to give the information.

**S. 21F(2B)**  
inserted by  
No. 98/2004  
s. 39(3).

(2B) If the Commissioner reasonably believes that it is urgent that information (that he or she has required under subsection (1)(c) or (d) to be given) be given within a lesser time than that specified in subsection (2A), the Commissioner may specify a lesser period for the giving of the information and the information must be given within the period so specified.

**S. 21F(3)**  
amended by  
No. 98/2004  
s. 39(4)(a)(b).

(3) If the Commissioner has agreed to allow an extension of time under subsection (2) or (2A), the agency or Authority (as the case requires) must give the information to the Commissioner within the time agreed on.

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

S. 21G  
inserted by  
No. 48/2000  
s. 6.

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

**21H Delegation by Commissioner**

S. 21H  
inserted by  
No. 48/2000  
s. 6.

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

**21I Annual report**

S. 21I  
inserted by  
No. 48/2000  
s. 6.

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

**21J Definition**

S. 21J  
inserted by  
No. 98/2004  
s. 40.

In this Part, *emergency services and other related services organisation* has the same meaning as in the **Emergency Services Telecommunications Authority Act 2004**.

**PART 5—STATE OF DISASTER**

**22 Definitions**

S. 22  
amended by  
No. 104/1997  
s. 44 (ILA  
s. 39B(1)).

(1) In this Part—

*disaster area* means that part or those parts of  
Victoria in which a state of disaster is  
declared under section 23(1) to exist;

*subordinate instrument* has the same meaning as  
it has in the **Interpretation of Legislation  
Act 1984**.

S. 22(2)  
inserted by No.  
104/1997 s. 44,  
amended by  
No. 6/2010  
s. 203(1)(Sch. 6  
item 18) (as  
amended by  
No. 45/2010  
s. 22).

(2) For the purposes of this Part, a rail corporation  
within the meaning of the **Rail Management Act  
1996** is deemed to be a government agency.

S. 22(3)  
inserted by  
No. 104/1997  
s. 44.

(3) Subsection (2) does not prevent a rail corporation  
deemed by that subsection to be a government  
agency from receiving compensation under  
section 24 for the taking and use of its property.

**23 Power of Premier to declare state of disaster**

S. 23(1)  
amended by  
No. 56/2011  
ss 7(1), 8(3).

(1) If there is an emergency which the Premier of  
Victoria after considering the advice of the  
Minister and the State Emergency Response  
Coordinator is satisfied constitutes or is likely to  
constitute a significant and widespread danger to  
life or property in Victoria, the Premier may  
declare a state of disaster to exist in the whole or  
in any part or parts of Victoria.

S. 23(1A)  
inserted by  
No. 75/1986  
s. 9.

(1A) The Premier must not make a declaration under  
this section for the purpose of taking action  
against any person or body of persons in the  
circumstances to which section 4(1) of the  
**Essential Services Act 1958** applies.

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- (2) The Premier may at any time revoke or vary a declaration under this section.
  - (3) Immediately upon the making, revocation or variation of a declaration under this section, a state of disaster exists, ceases to exist or exists as so varied (as the case requires) for the purposes of this Part.
  - (4) As soon as practicable after the making, revocation or variation of a declaration under this section the Premier must cause notice of the making, revocation or variation of the declaration to be broadcast from a broadcasting station in Victoria and to be published (with, in the case of the making or variation of a declaration, a copy of the declaration) in the Government Gazette.
  - (5) Production of a Government Gazette purporting to contain—
    - (a) notice of the making, revocation or variation of a declaration under this section is evidence of that making, revocation or variation (as the case requires); and
    - (b) a copy of the declaration under this section is evidence of the terms of the declaration.
  - (6) A declaration under this section remains in force for not more than one month, but another declaration may be made before, at or after the end of that period.
  - (7) If a state of disaster has been declared under this section the Premier must report on the state of disaster and the powers exercised under section 24 to both Houses of Parliament as soon as practicable after the declaration if Parliament is then sitting and if Parliament is not then sitting as soon as practicable after the next meeting of Parliament.

## 24 Powers and duties of Minister

S. 24  
(Heading)  
inserted by  
No. 56/2011  
s. 7(5).

S. 24(1)  
amended by  
No. 56/2011  
s. 7(1).

(1) In a state of disaster, the Minister is responsible for directing and co-ordinating the activities of all government agencies, and the allocation of all available resources of the Government, which the Minister considers necessary or desirable for responding to the disaster.

S. 24(2)  
amended by  
No. 56/2011  
s. 7(1).

(2) In addition to and without in any way limiting the generality of subsection (1), in a state of disaster the Minister may—

(a) direct any government agency to do or refrain from doing any act, or to exercise or perform or refrain from exercising or performing any function, power, duty or responsibility; and

S. 24(2)(b)  
amended by  
No. 56/2011  
s. 7(1).

(b) if it appears to the Minister that compliance by a government agency with an Act or subordinate instrument, which prescribes the functions powers duties and responsibilities of that agency, would inhibit response to or recovery from the disaster, declare that the operation of the whole or any part of that Act or subordinate instrument is suspended; and

S. 24(2)(c)  
amended by  
No. 56/2011  
s. 7(1).

(c) take possession and make use of any person's property as the Minister considers necessary or desirable for responding to the disaster; and

(d) control and restrict entry into, movement within and departure from the disaster area or any part of it; and

(e) compel the evacuation of any or all persons from the disaster area or any part of it.

- (3) If a direction is given to a government agency under subsection (2)(a)—
- (a) the government agency must comply with the direction; and
  - (b) the direction prevails over anything to the contrary in any Act or law.
- (4) A declaration made under subsection (2)(b) has effect according to its tenor until a further declaration is made by the Minister reviving the operation of the Act or subordinate instrument.
- (5) If the property of a person is taken or used under subsection (2)(c) that person may receive such compensation as is determined by the Minister.
- (6) A person referred to in subsection (5) may apply to the Victorian Civil and Administrative Tribunal for review of any determination made by the Minister under that subsection.
- (7) The power of the Minister under subsection (2)(e) may not be exercised so as to compel the evacuation of a person from any land or building if the person has a pecuniary interest in the land or building or in any goods or valuables on the land or in the building.

S. 24(4)  
amended by  
No. 56/2011  
s. 7(1).

S. 24(5)  
amended by  
No. 56/2011  
s. 7(1).

S. 24(6)  
amended by  
Nos 52/1998  
s. 311(Sch. 1  
item 24.1),  
56/2011  
s. 7(1).

S. 24(7)  
amended by  
No. 56/2011  
s. 7(1).

**24A Offence of making false compensation claim**

S. 24A  
inserted by  
No. 5/2012  
s. 104.

- (1) A person must not, in or in connection with any claim for compensation under section 24(5), make a statement to the Minister or any other person that the person knows is false or misleading in a material particular.

Penalty: 60 penalty units.



Emergency Management Act 1986  
No. 30 of 1986  
Part 5—State of Disaster

s. 24A

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- (2) A person must not, in or in connection with any claim for compensation under section 24(5), knowingly mislead, or attempt to mislead, the Minister or any other person.

Penalty: 60 penalty units.

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**PART 6—COMPENSATION OF REGISTERED EMERGENCY WORKERS**

**25 Definitions**

In this Part—

***Authority*** means the Victorian WorkCover Authority under the **Accident Compensation Act 1985**;

S. 25 def. of *Authority* inserted by No. 50/1994 s. 126(1)(a).

\* \* \* \* \*

S. 25 def. of *Commission* repealed by No. 50/1994 s. 126(1)(a).

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S. 25 def. of *registered emergency worker* repealed by No. 97/1994 s. 13.

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S. 25 def. of *Tribunal* repealed by No. 50/1994 s. 126(1)(b).

**25A Application**

This Part does not apply to a person entitled to compensation under the **Accident Compensation Act 1985**, Part 4 of the **Victoria State Emergency Service Act 2005**, Part V of the **Country Fire Authority Act 1958** or regulations under that Act.

S. 25A inserted by No. 75/1986 s. 10, amended by Nos 57/1987 s. 33(2), 51/2005 s. 58(3).

\* \* \* \* \*

S. 26 amended by No. 75/1986 s. 11, repealed by No. 97/1994 s. 14.

s. 27

S. 27  
amended by  
Nos 75/1986  
s. 12(1),  
50/1989  
s. 50(b),  
substituted by  
No. 97/1994  
s. 14.

## 27 When is compensation payable?

Compensation is payable under this Part if a volunteer emergency worker suffers personal injury (including death) or loss of or damage to property belonging to the worker or in the worker's possession or control while engaged in emergency activity.

## 28 Compensation for personal injuries

(1) Compensation for personal injury (including death) is to be paid in accordance with and subject to the **Accident Compensation Act 1985** to, or for the benefit of, those persons to whom, or for whose benefit, compensation would be payable under that Act if—

S. 28(1)(a)  
amended by  
Nos 75/1986  
s. 12(1),  
97/1994  
s. 15(1).

(a) the volunteer emergency worker had been, at the time the personal injury was suffered, a worker employed by the Crown; and

(b) the personal injury had arisen out of or in the course of that employment—

within the meaning of that Act.

S. 28(2)  
amended by  
Nos 75/1986  
s. 12(1),  
97/1994  
s. 15(1).

(2) For the purpose of assessing the amount of any compensation payable under this section, the average weekly earnings of a volunteer emergency worker are to be computed by reference to the worker's employment during the relevant period before the personal injury was suffered or (if the worker was not then working under a contract of service) upon such basis as is best calculated to give the appropriate compensation for loss of earning capacity, but so that any relevant maximum limits imposed by the **Accident Compensation Act 1985** are not exceeded.

- (3) For the purposes of enabling the return to work of a volunteer emergency worker who suffers a personal injury while engaged in emergency activity, the Authority may—
- (a) plan the worker's return to work under the **Accident Compensation Act 1985**;
  - (b) approve a provider of occupational rehabilitation services for the purposes of planning the worker's return to work under paragraph (a);
  - (c) provide alternative assistance or programs to the worker or in respect of the employment of the worker.
- (4) Any costs and expenses incurred as a result of subsection (3) are to be paid by the Authority under section 32(2) as if the costs and expenses were a payment of compensation and section 32(3) shall apply accordingly.

S. 28(3)  
inserted by  
No. 97/1994  
s. 15(2).

S. 28(3)(a)  
amended by  
No. 9/2010  
s. 137(a).

S. 28(3)(b)  
amended by  
No. 9/2010  
s. 137(b).

S. 28(4)  
inserted by  
No. 97/1994  
s. 15(2).

## 29 Compensation for loss of or damage to property

Compensation for loss of or damage to property is to be such as the Minister considers reasonable in the circumstances and is to be paid to the owner of the property or to any person interested in it.

## 30 Jurisdiction

Where any question or matter arises under this Part (other than section 29), including any question as to the amount of any compensation payable or the existence and extent of dependency, the County Court, the Magistrates' Court and the Victorian Civil and Administrative Tribunal shall have under this Act the same jurisdiction to hear and determine the question or matter as though it were a question or matter that arose under the **Workers Compensation Act**

S. 30  
substituted by  
No. 50/1994  
s. 126(2),  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 24.2).

**1958** or the **Accident Compensation Act 1985** (as the case requires), and where the County Court, the Magistrates' Court or the Victorian Civil and Administrative Tribunal exercises that jurisdiction such of the provisions of those Acts as are applicable shall with the necessary adaptations and modifications apply.

S. 31  
substituted by  
No. 50/1994  
s. 126(2),  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 24.2).

### 31 Authority to represent Crown

In all proceedings before the County Court, the Magistrates' Court or the Victorian Civil and Administrative Tribunal and generally in regard to claims for compensation and the payment of compensation under section 28, the Authority shall represent the Crown and shall have the same powers, rights and authorities as an employer has under the **Workers Compensation Act 1958** or as an authorised insurer has under the **Accident Compensation Act 1985** (as the case requires) in regard to the corresponding matter relating to a worker under that Act.

S. 32  
substituted by  
No. 50/1994  
s. 126(2).

### 32 Payments

- (1) The Authority is entitled to the reimbursement of its reasonable costs and expenses incurred in representing the Crown under section 31.
- (2) The Authority must make any payment of compensation under section 28 out of the WorkCover Authority Fund under the **Accident Compensation Act 1985**.
- (3) There is to be paid into the WorkCover Authority Fund out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly—
  - (a) the amounts to be reimbursed under subsection (1); and
  - (b) the amount of any payments under subsection (2).

### 33 Offence of making false compensation claim

- (1) A person must not, in or in connection with any claim for compensation under this Part, make a statement to the Minister or any other person that the person knows is false or misleading in a material particular.

Penalty: 60 penalty units.

- (2) A person must not, in or in connection with any claim for compensation under this Part, knowingly mislead, or attempt to mislead, the Minister or any other person.

Penalty: 60 penalty units.

### 34 Entitlement where damages otherwise payable

- (1) A person is not entitled to recover, in respect of personal injury or loss of or damage to property, both compensation under this Part and damages and if a person so recovers both compensation and damages the amount of the compensation may be recovered from the person by the Minister in a Court of competent jurisdiction as a debt due by that person to the Crown.

- (2) If compensation has been paid under this Part and the personal injury, loss or damage in respect of which it was paid was caused under circumstances creating a liability in some person other than the volunteer emergency worker to pay damages in respect thereof, the Minister may take proceedings against that person in a Court of competent jurisdiction to recover—

(a) the amount of compensation; or

(b) the amount of the damages—

whichever is less.

S. 33  
repealed by  
No. 50/1994  
s. 126(2),  
new s. 33  
inserted by  
No. 5/2012  
s. 105.

S. 34(2)  
amended by  
Nos 75/1986  
s. 12(1),  
97/1994 s. 16.

Emergency Management Act 1986  
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Part 6—Compensation of Registered Emergency Workers

s. 35

S. 35  
amended by  
No. 50/1994  
s. 126(3).

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**35 Funding of compensation scheme**

Any compensation payable under section 24 or section 29 and any expenses incurred in the administration of section 24 or section 29 are to be paid out of the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly.

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**PART 7—MISCELLANEOUS**

**36 Offence of obstructing, etc. emergency worker**

S. 36  
substituted by  
No. 75/1986  
s. 13.

- (1) A person, other than a person engaging in an emergency activity, must not, without reasonable excuse, obstruct, hinder or in any way interfere with a person engaging in an emergency activity.

S. 36(1)  
amended by  
No. 5/2012  
s. 106.

Penalty: 60 penalty units.

\* \* \* \* \*

S. 36(2)  
repealed by  
No. 97/1994  
s. 17.

**36A Declaration of emergency area**

S. 36A  
inserted by  
No. 97/1994  
s. 18.

- (1) If the most senior officer of the police in attendance at an emergency, being an officer of or above the rank of senior sergeant, is of the opinion that because of the size, nature or location of an emergency it is necessary to exclude persons from the area of the emergency so as to ensure—

S. 36A(1)  
amended by  
No. 5/2012  
s. 107(1).

- (a) public safety; or
- (b) security of evacuated premises; or
- (c) the safety of, or prevention of obstruction, hindrance or interference to, persons engaging in emergency activity—

that officer of police may declare the area to be an emergency area.

- (2) The declaration of an emergency area must be in writing and may be varied or revoked in writing.



**s. 36B**

S. 36A(3)  
amended by  
Nos 56/2011  
s. 8(3), 5/2012  
s. 107(2).

(3) A copy of the declaration or a sign in a form authorised by the State Emergency Response Coordinator and containing the words "Declared Emergency Area" must be posted at the emergency area or as near as possible to that area while the declaration is in force.

(4) The declaration of an emergency area must be revoked immediately upon the circumstances in subsection (1) ceasing to apply.

S. 36A(5)  
amended by  
No. 5/2012  
s. 107(3).

(5) If the declaration of an emergency area has not been revoked within the period of 48 hours after it is declared, the declaration is revoked at the end of the period unless subsection (6) applies.

S. 36A(6)  
amended by  
Nos 56/2011  
s. 8(3), 5/2012  
s. 107(3).

(6) The State Emergency Response Coordinator may if he or she is satisfied that the circumstances in subsection (1) still apply, extend the declaration of an emergency area for a further period not exceeding 48 hours.

S. 36A(7)  
amended by  
No. 56/2011  
s. 8(3).

(7) The State Emergency Response Coordinator must publish a notice of the declaration and revocation of an emergency area in the Government Gazette.

S. 36B  
inserted by  
No. 97/1994  
s. 18.

**36B Powers in respect of emergency area**

S. 36B(1)  
amended by  
No. 5/2012  
s. 108(1).

- (1) If a declaration of an emergency area is made under section 36A, a member of the police force may exercise the following powers—
- (a) close or cause to be closed any road, footpath or open space otherwise providing access to the emergency area;
  - (b) prohibit any person or vehicle from entering or passing through the emergency area;

- 
- (c) direct any person on any road or footpath or in any open space or in any vehicle on any road, footpath or open space, within the emergency area to immediately leave the emergency area by the safest and shortest route;
- (d) authorise a person to enter or remain in the emergency area subject to such conditions as the officer considers appropriate.
- (2) Subsection (1) also empowers a prohibition or direction to be given to a person who claims a pecuniary interest in property in the emergency area or goods or valuables in that property and is not in that property.
- (3) Subsection (1)(d) also empowers an authorisation subject to conditions to be given to a person who claims a pecuniary interest in property in the emergency area or goods or valuables in that property and is on that property.
- (4) A direction, prohibition or authorisation under subsection (1) may be broadcast, televised or communicated from a broadcasting station, television station or other communication centre in an announcement authorised by the State Emergency Response Coordinator.
- (5) If a member of the police force has reason to suspect that an offence against this Act is being or is about to be committed, the officer may order a person to leave the emergency area and may use such force as is reasonable necessary to remove the person from the emergency area or to prevent the person from entering the emergency area.

S. 36B(4)  
amended by  
No. 56/2011  
s. 8(3).

S. 36B(5)  
amended by  
No. 5/2012  
s. 108(2).

s. 36C

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### 36C Offences relating to declaration of emergency area

S. 36C  
(Heading)  
inserted by  
No. 5/2012  
s. 109(1).

S. 36C  
inserted by  
No. 97/1994  
s. 18.

S. 36C(1)  
substituted by  
No. 5/2012  
s. 109(2).

- (1) A person must not, without reasonable excuse, fail to obey a prohibition or direction given under section 36B(1).

Penalty: 10 penalty units.

S. 36C(1A)  
inserted by  
No. 5/2012  
s. 109(2).

- (1A) A person who is authorised under section 36B(1)(d) to enter or remain in an emergency area must not, without reasonable excuse, fail to comply with the conditions of the authorisation.

Penalty: 10 penalty units.

S. 36C(2)  
amended by  
No. 5/2012  
s. 109(3).

- (2) A person who under section 36B(5) is ordered to leave or removed from the emergency area or prevented from entering the emergency area must not enter or attempt to enter the emergency area.

Penalty: 120 penalty units.

S. 37  
amended by  
No. 75/1986  
s. 12(2)(a)(b),  
substituted by  
No. 97/1994  
s. 19.

### 37 Immunity

A volunteer emergency worker is not personally liable in respect of any loss or injury sustained by any other person as a result of the engagement of the volunteer emergency worker in emergency activity unless the loss or injury is caused by the negligence or wilful default of that worker.

\* \* \* \* \*

S. 38  
amended by  
Nos 52/1998  
s. 311(Sch. 1  
item 24.3),  
56/2011  
s. 7(1),  
repealed by  
No. 5/2012  
s. 110.

### 39 Regulations

S. 39  
amended by  
No. 75/1986  
s. 14.

The Governor in Council may make regulations, subject to the regulations being disallowed by Parliament, for or with respect to—

- (a) the registration of persons under section 26; and
- (b) the training of members and officers of non-government agencies for which a role is defined, or on which a responsibility is conferred, by the state emergency response plan or the state emergency recovery plan; and
- (c) prescribing conditions of issue and use of property issued to municipal councils for the purpose of emergency management; and
- (d) prescribing fees for training courses conducted by the Minister; and
- (e) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

S. 39(b)  
amended by  
No. 56/2011  
ss 9(4), 16.

S. 39(d)  
amended by  
No. 56/2011  
s. 7(1).

## ENDNOTES

### 1. General Information

*Minister's second reading speech:*

*Legislative Assembly: 27 March 1986*

*Legislative Council: 8 May 1986*

The long title for the Bill for this Act "A Bill to provide for the management and organization of the prevention of, response to and recovery from emergencies, to repeal the **State Disasters Act 1983** and for other purposes."

The **Emergency Management Act 1986** was assented to on 20 May 1986 and came into operation as follows:

Sections 1–7, 10–17, 22–24, 36, 39 on 27 June 1986: Government Gazette 18 June 1986 page 2066; rest of Act on 3 December 1986: Government Gazette 3 December 1986 page 4540.

## 2. Table of Amendments

This Version incorporates amendments made to the **Emergency Management Act 1986** by Acts and subordinate instruments.

### **Emergency Management (Amendment) Act 1986, No. 75/1986**

*Assent Date:* 18.11.86  
*Commencement Date:* 18.11.86  
*Current State:* All of Act in operation

### **Victoria State Emergency Service Act 1987, No. 57/1987**

*Assent Date:* 27.10.87  
*Commencement Date:* 2.5.88: Special Gazette (No. 30) 28.4.88 p. 1  
*Current State:* All of Act in operation

### **Local Government (Consequential Provisions) Act 1989, No. 12/1989**

(as amended by No. 13/1990)

*Assent Date:* 9.5.89  
*Commencement Date:* S. 4(1)(Sch. 2 item 34.1–34.9) on 1.1.89: Government Gazette 1.11.89 p. 2798  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

### **Fire Authorities Act 1989, No. 50/1989**

*Assent Date:* 14.6.89  
*Commencement Date:* S. 50 on 1.7.89: Government Gazette 28.6.89 p. 1559  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

### **Accident Compensation (Amendment) Act 1994, No. 50/1994**

*Assent Date:* 15.6.94  
*Commencement Date:* S. 126 on 24.6.94: Special Gazette (No. 37) 24.6.94 p. 2—see **Interpretation of Legislation Act 1984**  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

### **Emergency Management (Amendment) Act 1994, No. 97/1994**

*Assent Date:* 13.12.94  
*Commencement Date:* 13.12.94  
*Current State:* All of Act in operation

### **Rail Corporations (Amendment) Act 1997, No. 104/1997**

*Assent Date:* 16.12.97  
*Commencement Date:* S. 44 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

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**Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998**

*Assent Date:* 2.6.98  
*Commencement Date:* S. 311(Sch. 1 item 24) on 1.7.98: Government Gazette 18.6.98 p. 1512  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Local Government (Governance and Melton) Act 1998, No. 86/1998**

*Assent Date:* 17.11.98  
*Commencement Date:* S. 19 on 1.7.99: Government Gazette 17.6.99 p. 1406  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Statute Law Revision (Repeals) Act 1999, No. 3/1999**

*Assent Date:* 28.4.99  
*Commencement Date:* 28.4.99  
*Current State:* All of Act in operation

**Essential Services (Year 2000) Act 1999, No. 50/1999**

*Assent Date:* 7.12.99  
*Commencement Date:* 8.12.99: s. 2  
*Current State:* All of Act in operation

**Emergency Management (Amendment) Act 2000, No. 48/2000**

*Assent Date:* 14.6.00  
*Commencement Date:* 15.6.00: s. 2  
*Current State:* All of Act in operation

**Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 40) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Victorian Urban Development Authority Act 2003, No. 59/2003**

*Assent Date:* 16.6.03  
*Commencement Date:* S. 117 on 1.8.03: Government Gazette 31.7.03 p. 2125  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Emergency Services Telecommunications Authority Act 2004, No. 98/2004**

*Assent Date:* 14.12.04  
*Commencement Date:* Ss 36–40 on 1.7.05: Government Gazette 9.6.05 p. 1175  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

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**Public Administration Act 2004, No. 108/2004**

*Assent Date:* 21.12.04  
*Commencement Date:* S. 117(1)(Sch. 3 item 65) on 5.4.05: Government Gazette 31.3.05 p. 602  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

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

*Assent Date:* 24.8.05  
*Commencement Date:* S. 58(2)(3) on 1.11.05: Government Gazette 20.10.05 p. 2308  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**City of Melbourne and Docklands Acts (Governance) Act 2006, No. 74/2006**

*Assent Date:* 10.10.06  
*Commencement Date:* S. 24 on 1.7.07: Government Gazette 28.6.07 p. 1303  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Emergency Services Legislation Amendment Act 2009, No. 73/2009**

*Assent Date:* 1.12.09  
*Commencement Date:* Ss 9, 10 on 2.12.09: s. 2  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Transport Integration Act 2010, No. 6/2010** (as amended by No. 45/2010)

*Assent Date:* 2.3.10  
*Commencement Date:* S. 203(1)(Sch. 6 item 18) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Accident Compensation Amendment Act 2010, No. 9/2010**

*Assent Date:* 23.3.10  
*Commencement Date:* S. 137 on 1.7.10: s. 2(8)  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Fire Services Commissioner Act 2010, No. 73/2010**

*Assent Date:* 19.10.10  
*Commencement Date:* Ss 35–40 on 1.12.10: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**

**Emergency Management Legislation Amendment Act 2011, No. 56/2011**

*Assent Date:* 2.11.11  
*Commencement Date:* Ss 5–16 on 3.11.11: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Emergency Management Act 1986**



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

*Assent Date:* 6.3.12

*Commencement Date:* Ss 104–110 on 1.5.12: Special Gazette (No. 140)  
1.5.12 p. 1

*Current State:* This information relates only to the provision/s  
amending the **Emergency Management Act 1986**

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### 3. Explanatory Details

No entries at date of publication.