



Emergency Management Act 2005 and Emergency Management Regulations 2006 **COVID-19 Response Amendments April 2020**

The following list identifies and provides a summary of the amendments made to the *Emergency Management Act 2005* and *Emergency Management Regulations 2006* on 4 April 2020.

The updated act and regulations can be accessed at legislation.wa.gov.au.

Please email semc.policylegislation@dfes.wa.gov.au to provide feedback or comment.

<i>Emergency Management Act 2005</i>	
<p>The Emergency Management Amendment (COVID-19 Response) Bill 2020 amended the <i>Emergency Management Act 2005</i> to:</p> <ul style="list-style-type: none"> • introduce new provisions into the Western Australian emergency management framework to strengthen the State’s capacity to respond to the COVID-19 pandemic and similar events in the future; • clarify and amend existing provisions to remove barriers in the existing laws that are impeding the COVID-19 response and future emergencies. 	
SEC.	AMENDMENT
67	Amended to allow hazard management officers and authorized officers to direct that any road, access route or area of water in or leading to the emergency area be closed.
70	Amended to provide that relevant officers are able to direct a class of persons and not just ‘any person’.
70A	<p>Inserted the ability for the State Emergency Coordinator to direct a person to be subjected to electronic monitoring (as defined) while the person is in quarantine under a direction given under section 70 of the EM Act and penalty provisions where there is a failure to comply. The provision also provides:</p> <ul style="list-style-type: none"> • the type of electronic device needs to be approved by the Minister for Emergency Services; • a direction from the State Emergency Coordinator is necessary to subject a person to this provision; • this provision can only be used during a state of emergency (as only authorised officers can give directions under this provision).
71	Inserted a provision to ensure that a direction under subsection 71(1) can be given to a class of place and to ensure that it is not necessary to give directions to each individual place of business, worship or entertainment within an area.
72	<p>Amended the definition of ‘relevant information’ for the purposes of the information exchange provisions to include:</p> <ul style="list-style-type: none"> • information about the recent travel of a person; • information about persons with whom a person has been in close contact.



Emergency Management Act 2005

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- introduce new provisions into the Western Australian emergency management framework to strengthen the State's capacity to respond to the COVID-19 pandemic and similar events in the future;
- clarify and amend existing provisions to remove barriers in the existing laws that are impeding the COVID-19 response and future emergencies.

SEC.	AMENDMENT
72A	<p>Inserted provisions that:</p> <ul style="list-style-type: none">• allow relevant officers to take or direct a person or a class of persons to take, any action that the relevant officers consider is reasonably necessary to prevent, control or abate risks associated with the emergency;• allow a relevant officer to direct a person to provide certain types of information. <p>Section 72A is intended to apply only in the circumstances of an appropriate response to the COVID-19 pandemic response. For that reason, provision is made for a 12 months 'sunset clause' and this section will be automatically deleted after that time.</p>
75	<p>Provides clarity that relevant directions under subsection 75(1) can be given to a class of place and it is not necessary to give the direction in relation to each individual place.</p>
77	<p>Inserted subsection 77(2A) and amended subsection 77(3) to provide certainty that a direction given under specified sections of the EM Act to a class of persons or to a class of thing:</p> <ul style="list-style-type: none">• does not need to be given directly to a person to whom it applies;• does not have to be published in the Gazette;• must be published in a manner the Minister for Emergency Services considers suitable but failure to publish does not invalidate the direction. <p>Section 77(2A) is taken to have been in effect retrospectively on and from 4 April 2020.</p>
86	<p>Amended section 86 to include section 72A (which is a new provision) in the list of provisions to which this section applies.</p> <p>The penalty for the failure to comply with a relevant direction is also amended to include imprisonment for 12 months in addition to the existing fine of \$50,000.</p> <p>Provides it is a defence to a charge of an offence under subsection (1) for the person to prove that the person had a reasonable excuse for failing to comply with the direction.</p>
102	<p>Amended the regulation making power under the <i>Emergency Management Act 2005</i> (section 102) to facilitate the issuing of infringement notices for the offence of failure to comply with a direction (section 86 of the <i>Emergency Management Act 2005</i>).</p>



Emergency Management Regulations 2006

Amendments to allow the issuing of infringement notices for the offence of failure to comply with a direction (section 86 of the *Emergency Management Act 2005*).

REG.	AMENDMENT
33-34	<p>Inserted to provide the modified penalty for an offence under section 86 of the <i>Emergency Management Act 2005</i> (failure to comply with a direction) is:</p> <ul style="list-style-type: none">(a) if the alleged offender is an individual - \$1 000(b) if the alleged offender is a body corporate - \$5 000. <p>Western Australian Police Force officers and other officers approved by the State Emergency Coordinator will be able to issue infringement notices for the purposes of the above provisions.</p>