



Amendments List V3.0 – EM Forms as at 7 August 2020

The following list identifies amendments made to EM Form 1 to EM Form 22 (inclusive). These amendments are matter of fact amendments and were approved by the Executive Officer of the State Emergency Management Committee (SEMC) on 6 August 2020 and came into effect on 7 August 2020.

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

GENERIC AMENDMENTS TO EM FORMS (EM FORM 1 TO EM FORM 22, INCLUSIVE)

AMENDMENT	COMMENT
Naming convention of Forms amended from EMA Form to EM Forms.	Updated to avoid confusion with EMA acronym which is used as an abbreviation for Emergency Management Australia or Emergency Management Agency.
 Tick boxes for declarations under the sections of the <i>Emergency Management Act 2005</i> deleted. Tick boxes deleted from the following EM Forms: Form 1 Form 1A Form 2 Form 3 Form 3A Form 4 Form 7 Form 8 Form 13 	As per legal advice from State Solicitors Office that there is no 'choice' when making declarations and forms should be updated to be clearer, so the user is not misguided to select a 'choice'.





GENERIC AMENDMENTS TO EM FORMS (EM FORM 1 TO EM FORM 22, INCLUSIVE)

AMENDMENT	COMMENT
 Form 13A Form 14 Form 14A 	
All EM Forms made available in MS Word format, in addition to PDF format previously available.	Additional format made available to expand accessibility and deliver user demand for forms in MS Word format.
In MS Word format, form has been locked and cannot be amended except for fillable forms fields added in fields where user is required to insert details.	Limit ability for user to make unauthorised amendments to form while also allowing user to enter details where required.
In PDF format, form hints (previously blue, bold large font) reduced to be smaller font size, black and un-bolded.	In PDF format users are not able to delete the hints and amendment has been made to reduce the prominence of the form hints to ensure these are not confused with the form content which must meet legislative requirements.
Version numbers (V3.0) updated in the footer of each page on EM Forms.	Version control.
Consistent formatting including page layout, font size and style and Western Australian government logo applied to EM Forms.	General formatting.
All references to <i>Emergency Management Act 2005</i> applied consistently be deleting (WA).	Reference to (WA) not required.





AMENDMENT	COMMENT
Inserted additional field for the State Emergency Coordinator to enter name when signing the form.	Previously only one section was available to add State Emergency Coordinator position title. As the State Emergency Coordinator is a position (Commissioner of Police) rather than a person, the addition of the name field will enable the person signing the form to be identified.
Inserted additional field for person acknowledging receipt of delegation to enter name.	Previously only had a field for signature and date. The addition of the name field will enable the person signing the acknowledgement to be identified.





AMENDMENT	COMMENT
	Previously only one section was available to add State Emergency Coordinator position title. As the State Emergency Coordinator is a position (Commissioner of Police) rather than a person, the addition of the name field will enable the person signing the form to be identified.
'This-delegation is made with the approval of the SEC' amended to 'This revocation is made with the approval of the SEC'.	EM Form 1A is a revocation of delegation not delegation, terminology updated to correct error.

AMENDMENT	COMMENT
 Heading: EM Form 3: Notice Declaration of Emergency Situation by Hazard Management Agency made under section 50 of the Emergency Management Act 2005. 	Heading 'Notice' updated to 'Declaration' to reflect the use of form to make a declaration.
The expiry of declaration (a) amended from free text field to (a) expiry (3 days after taking effect)	Removed free text field and replaced with permanent text to reflect terms of legislation as there is no 'choice' when making declarations.





declaration. Form hint 'Insert HMA or 'a delegate acting for the HMA' inserted.	Amended to ensure Form can be used to make declarations by a delegate under s 5 Emergency Management Act 2005.
	Amended to ensure Form can be used to make declarations by a delegate under s 5 Emergency Management Act 2005.

AMENDMENT	COMMENT
 Heading: EM Form 3: Notice Declaration of Emergency Situation by Hazard Management Agency made under section 50 of the Emergency Management Act 2005. 	Heading 'Notice' updated to 'Declaration' to reflect the use of form to make a declaration.
 Form hint for inserting hazard amended to: Insert prescribed hazard as described in the Emergency Management Act 2005 or Emergency Management Regulations 2006. 	Amended to ensure and guide user to insert hazard as per terms/description in legislation.
The expiry of declaration (a) amended from free text field to (a) expiry (3 days after taking effect)	Removed free text field and replaced with permanent text to reflect terms of legislation as there is no 'choice' when making declarations.
Signature section amended to ensure name, position title and SEC position are inserted under signature.	Updated to ensure completeness of form to identity name and position title of person making declaration.





• Footer amended: *EMA Form 3A Emergency* Situation Declaration by SEC to State *EM Response Procedure 5 v02.1*

Updated to insert correct title to reflect purpose of form.

AMEN	DMENT	COMMENT
	Heading: EM Form 7: Notice of Declaration of Emergency Situation by Hazard Management Agency made under section 50 of the Emergency Management Act 2005.	Heading 'Notice' removed to reflect the use of form to make a declaration.
	Form hint for inserting hazard amended to: <i>Insert prescribed hazard as described in the Emergency Management Act 2005 or Emergency Management Regulations</i> 2006.	Amended to ensure and guide user to insert hazard as per terms/description in legislation.
	The expiry of declaration (a) amended from free text field to (a) expiry (3 days after taking effect)	Removed free text field and replaced with permanent text to reflect terms of legislation as there is no 'choice' when making declarations.





AMENDMENT	COMMENT
In second paragraph inserted days after user is requested to 'insert number of days'.	Previously after 'insert number of days' field there was no value. Added days to avoid circumstances where a user may add a date or other unit instead of days as required.

AMENDMENT	COMMENT
Heading: EMA Form 8 – Notice of Revocation of State of Emergency declaration made under section 59 of the Emergency Management Act 2005.	Heading 'Notice' removed to reflect the use of form to revoke a declaration.





ENDMENT		COMMENT
 Emergency 	Powers table (page 2) amended:	Amended to reflect Hazard Management Officers' Part 6 powers:
Section EM Act	Power [where reasonably required for the purposes of emergency management] Movement and evacuation (a) Direct or, by direction, prohibit, the movement of persons,	 Directions to persons exposed to hazardous substances applies also to class of persons under s. 70 Emergency Management Act 2005. Directions relating to movement and evacuation to include powers to direct that any road, access route or area of water in or leading to the emergency area be closed under s. 67(d) Emergency Management Act 2005. Insert powers under s 70A relating to powers of authorised persons relating to to electronic monitoring of persons in quarantine.
	 (a) Direct or, by direction, promise, the movement of persons, animals and vehicles within, into out of or around an emergency area or any part of an emergency area; (b) Direct the evacuation and removal of persons or animals from the emergency area or any part of any emergency area; (c) Close any road, access route or area of water in or leading to an emergency area; (d) Direct that any road, access route or area of water in or leading to the emergency area be closed. 	
70	Direction of person, or class of persons, exposed to hazardous substances (1) (a) to remain in an area specified by the officer for such period	 Insert powers under s. 72A. As these powers are intended to apply only in circumstances of an appropriate response to the COVID-19 pandemic response provisions have been made
	as is specified by the officer; (b) to remain quarantined from other persons for such period, and in such reasonably manner, as is specified by the officer;	a 12 months 'sunset clause' to automatically delete this section. As such, powers under s. 72A have been inserted separately from the other





	(c) to submit to decontamination procedures within such reasonable period, and in such reasonable manner, as is specified by the officer.	powers and a warning to user has be added to the form to ensure that thes powers are only accessed before the sunset clause takes effect.
70A	Electronic monitoring of persons in quarantine (4) If a person is subject to electronic monitoring, an authorised officer may do any of the following – (a) direct the person to wear an approved electronic monitoring device; (b) direct the person to permit the installation of an approved electronic monitoring device at the place where the person resides or, if the person does not have a place of residence, at any other place specified by the officer; (c) give any other reasonable direction to the person necessary for the proper administration of the electronic monitoring of the person. (5) An authorised officer may – (a) direct the occupier of a place where an approved electronic monitoring device has been installed to give the device to an authorised officer within the period specified by the officer; and (b) at any time, enter a place where an approved electronic monitoring device has been installed and retrieve the device.	





• Emergency Powers table (page 4) inserted:

Emergency Powers Powers of a Hazard Management Officer Note: The following powers under s. 72A of the Emergency Management Act 2005 is only available before 4 April 2021	
Section EM Act	Power [where reasonably required for the purposes of emergency management]
72 <i>A</i>	General Powers during an emergency situation (2) Take, or direct a person or class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency. (3) Direct a person to: (a) give to the officer relevant information about the person or any other person closely associated with the person; or (b) answer questions intended to elicit relevant information about the person or any other person closely associated with the person.





AMENDMENT	COMMENT
Inserted additional field for the State Emergency Coordinator to enter name when signing the form.	Previously only one section was available to add State Emergency Coordinator position title. As the State Emergency Coordinator is a position (Commissioner of Police) rather than a person, the addition of the name field will enable the person signing the form to be identified.

AMENDMENT		COMMENT
То	[Insert name of person (not required for direction under s 67(c) or s 67(d))]	Allows user to insert the appropriate section rather than selecting the relevant section in the main text section of the form.
Direction	I hereby direct you to: [insert details of direction relating to the movement of persons, animals or vehicles within, into, out of or around an emergency area or any part of an emergency area section 67(a)]	Amended to update form for use for directions under s. 67(c) and s. 67(d).





OR

Insert details of direction relating to the evacuation and removal of persons or animals from the emergency area or any part of the emergency area section 67(b)

OR

Insert details of direction relating to closure of any road, access route or area of water in or leading to the emergency area section 67(c)

OR

Insert details directing that any road, access route or area of water in or leading to the emergency area be closed section 67(d)

Grounds for direction

 Text to select section 67(a) or 67(b), as appropriate in grounds for direction deleted as text in form. This has been added under the field as a form hint:

This direction is given under section [insert section 67(a); 67(b); 67(c) or 67(d) as appropriate] of the Emergency Management Act 2005 for the purposes of emergency management.





nsert name of person (not required for direction under s 67(c) or s 7(d))] hereby direct you to: nsert details of direction relating to the movement of persons,	Allows user to insert the appropriate section rather than selecting the relevant section in the main text section of the form. Amended to update form for use for directions under s. 67(c) and s. 67(d).
	·
nimals or vehicles within, into, out of or around an emergency area rany part of an emergency area section 67(a)]	
nsert details of direction relating to the evacuation and removal of ersons or animals from the emergency area or any part of the mergency area section 67(b)	
nsert details of direction relating to closure of any road, access route or area of water in or leading to the emergency area section 67(c) OR onsert details directing that any road, access route or area of water in	
	sert details of direction relating to the evacuation and removal of ersons or animals from the emergency area or any part of the mergency area section 67(b) R sert details of direction relating to closure of any road, access route area of water in or leading to the emergency area section 67(c) R





Grounds	for
direction	

• Text to select section 67(a) or 67(b), as appropriate in grounds for direction deleted as text in form. This has been added under the field as a form hint:

This direction is given under section [insert section 67(a); 67(b); 67(c) or 67(d) as appropriate] of the Emergency Management Act 2005 for the purposes of emergency management.

AMENDMENT		COMMENT
То	[Insert name of person <mark>, or class of persons</mark> , exposed to hazardous substance]	Amended to reflect that directions to persons exposed to hazardous substance can be made to a class of persons under s. 70 Emergency Management Act 2005.





ENDMENT		COMMENT
То	[Insert name of person, or class of persons, exposed to hazardous substance]	Amended to reflect that directions to persons exposed to hazardous substance can be made to a class of persons under s. 70 <i>Emergency Management Act 2005</i> .
A State of Emergency Exists	An emergency has been declared by the finsert name of Minister Minister for Emergency Services under section 56 of the Emergency Management Act 2005.	User is no longer needed to complete the form field to insert name of Minister. the Minister makes the direction in capacity as the Minister not person which is more accurately captured by referring to Minister for Emergency Services.





AMENDMENT		COMMENT
То	Name owner, occupier or person apparently in charge of relevant premises, or class of place	Amended to reflect that directions to close a place of business, worship or entertainment can be made to a class of place under s. 71 <i>Emergency Management Act 2005.</i>
Direction	I hereby direct you to: [direction] Close the following place, or class of place, in the emergency area to the public: [details of place of business, worship or entertainment]	Directions under section 71(1) of the Emergency Management Act 2005 can only be made by Police Officers not authorised officers. This can be distinguished with EM
Signature and date direction issues	Authorised Officer Police Officer	Form 15A which is made under s. 75(1)(i) and permit Authorised Officers to make directions.





ENDMENT		COMMENT
То	Name owner, occupier or person apparently in charge of relevant premises, or class of place	Amended to reflect that directions to close a place of business, worship or entertainment can be made to a class of place under s. 71 <i>Emergency Management Act 2005.</i>
Direction	I hereby direct you to: [direction] Close the following place, or class of place, in the emergency area to the public: [details of place of business, worship or entertainment]	

AMENDMENT	COMMENT
	delegate of the HMA and additional details of hazard inserted to limit authorisations as per s





	relation to the hazard of [insert description of hazard and geographical state to which the declaration applies]	
 In signature 	e section, inserted fields for HMA or HMA delegate to sign declaration.	Amended to enable Form to be used by a delegate of the HMA under s 5 <i>Emergency Management Act 2005</i> .
• Emergency	Powers table (page 2) amended:	Amended to reflect Hazard Management Officers' Part 6 powers:
Section EM Act	Power [where reasonably required for the purposes of emergency management]	Directions to persons exposed to hazardous substances applies also to class of persons under s. 70 Emergence
67	 (a) Direct or, by direction, prohibit, the movement of persons, animals and vehicles within, into out of or around an emergency area or any part of an emergency area; (b) Direct the evacuation and removal of persons or animals from the emergency area or any part of any emergency area; (c) Close any road, access route or area of water in or leading to an emergency area; (d) Direct that any road, access route or area of water in or leading to the emergency area be closed. 	 Management Act 2005. Directions relating to movement and evacuation to include powers to direct that any road, access route or area of water in or leading to the emergency area be closed under s. 67(d) Emergency Management Act 2005. Insert powers under s. 72A. As these powers are intended to apply only in circumstances of an appropriate
70	Direction of person, or class of persons, exposed to hazardous substances	response to the COVID-19 pandemic response provisions have been made a 12 months 'sunset clause' to





automatically delete this section. As (1) such, powers under s. 72A have been (a) to remain in an area specified by the officer for such period inserted separately from the other as is specified by the officer; (b) to remain quarantined from other persons for such period, and in such reasonably manner, as is specified by the officer; powers are only accessed before the (c) to submit to decontamination procedures within such sunset clause takes effect. reasonable period, and in such reasonable manner, as is specified by the officer.

Emergency Powers table (page 3) inserted:

Emergency i emerg		
	Powers of a Hazard Management Officer	
Note: The fo	ollowing powers under s. 72A of the Emergency Management Act	
	2005 is only available before 4 April 2021	
04 514	Power	
Section EM	[where reasonably required for the purposes of emergency	
Act	management]	
	1	
72A	General Powers during an emergency situation	
	(2) Take, or direct a person or class of person to take, any action that	
	the officer considers is reasonably necessary to prevent, control or	
	abate risks associated with the emergency.	
	(3) Direct a person to:	

Emergency Powers

powers and a warning to user has been added to the form to ensure that these





(a)	give to the officer relevant information about the person or
	any other person closely associated with the person; or
(b)	answer questions intended to elicit relevant information about

(b) answer questions intended to elicit relevant information about the person or any other person closely associated with the person.

AMENDMENT	COMMENT
a hazard management agency of [insert 'a hazard management agency' OR 'acting for the HMA name/position, a hazard management agency'] for the purposes of the	Amended to enable Form to be used by a delegate of the HMA and additional details of hazard inserted toto limit authorisations as per s 55(3)(a) Emergency Management Act 2005.
	Amended to enable Form to be used by a delegate of the HMA under s 5 <i>Emergency Management Act 2005.</i>





AMENDMENT		COMMENT
 Relevant Information annex added to outline the type of 'relevant information' for the purposes of s. 72 Emergency Management Act 2005 and r. 23 Emergency Management Regulations 2006. 		Additional information to inform user what constitutes relevant information for the purposes of exchange of information under s. 72 Emergency Management Act 2005.
	RELEVANT INFORMATION	
Section EM Act	Relevant Information	
s. 72	Relevant information means (a) The personal details of a person; (b) Information about the whereabouts of a person; (c) Information about the state of health of a person; (ca) Information about any recent travel undertaken by a person; (cb) Information about persons with whom a person has been in close contact.	
Regulation EM Regulations	Relevant Information	



<u>r. 23</u>



F	rescribed relevant information	
<mark>(a</mark>	Information about the loss suffered by a person, the assistance requested by a person and the assistance provided to or approved	
	for a person;	
<mark>(</mark> L	Information about the owner or occupier of real property;	
<mark>(c</mark>	Information relating to a person's finances or insurance.	

AMENDMENT		COMMENT
•	For section relating to <i>Issues to consider when making judgements about the level of Coordination required</i> , Yes/No columns and tick boxes has been inserted. Each question has been separated into separate rows.	Separating each question into separate rows with corresponding Yes/No columns and tick boxes to make the form for user friendly and easier to complete.
•	In Section 4 Public Administration/Government section, section question <i>What is the capacity of local government to manage the situation</i> has been moved to last. Form field added to allow user to complete question.	This question is not phrased as a Yes/No question and has been moved last to provide room for the user to insert answer. Form field inserted to allow user to enter details electronically.





AMENDMENT	COMMENT	
 In Part 1, field inserted for Hazard Management Agency to identify name and position title. 	As the Hazard Management Agency is generally a public authority rather than a person, the addition of the name field will enable the person signing the form to be identified.	
In Part 2, field inserted for SECG Executive Officer to identify name and position title.	The addition of the name field will enable the person signing the form to be identified.	
In Part 4, EMA deleted and replaced with Emergency Management Australia.	Amended to avoid confusion with EMA acronym which is used throughout the suit of State EM Documents to refer to emergency management agency.	