



# **Christmas Island Emergency Management Amendment Ordinance 2017**

## **Ordinance No. 2, 2017**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 14 December 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Darren Chester  
Minister for Infrastructure and Transport

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## 1 Name

This Ordinance is the *Christmas Island Emergency Management Amendment Ordinance 2017*.

## 2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Ordinance	The day after this Ordinance is registered.	22 December 2017

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

## 3 Authority

This Ordinance is made under the *Christmas Island Act 1958*.

## 4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

## Schedule 1—Amendments

### *Emergency Management Ordinance 2012*

#### **1 Section 1**

After “This Ordinance is the”, insert “*Christmas Island*”.

#### **2 Section 4 (definition of *emergency area*)**

After “to which”, insert “an emergency situation declaration or”.

#### **3 Section 4**

Insert:

*emergency situation* means any period during which an emergency situation declaration is in force.

*emergency situation declaration* means a declaration made by the Territory Controller under section 16A.

#### **4 Section 4 (definition of *hazard*)**

Repeal the definition, substitute:

*hazard* means a cyclone, earthquake, landslide, flood, storm, tsunami, fire, plague, epidemic or vehicle, vessel or aircraft accident or incident or other event, situation or condition that is capable of causing or resulting in:

- (a) loss of life; or
- (b) prejudice to the safety, or harm to the health of persons or animals; or
- (c) destruction of, or damage to, property or any part of the environment.

#### **5 Section 13 (heading)**

Repeal the heading, substitute:

### **13 Powers of Territory Controller during emergencies**

#### **6 Section 13**

After “During”, insert “an emergency situation or”.

#### **7 Paragraph 13(a)**

Omit “mentioned in”, substitute “in accordance with”.

#### **8 Subsection 15(3)**

After “independently of”, insert “an emergency situation declaration or”.

#### **9 Part 3 (heading)**

Repeal the heading, substitute:

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## **Part 3—Emergency situations and states of emergency**

### **10 Before Division 1 of Part 3**

Insert:

### **Division 1A—Emergency situation declaration**

#### **16A Territory Controller may make emergency situation declaration**

- (1) The Territory Controller may declare that an emergency situation exists in the Territory or part of the Territory if he or she is satisfied that:
  - (a) an emergency has occurred, is occurring or is imminent; and
  - (b) extraordinary measures are required to prevent or minimise any of the following:
    - (i) loss of life of humans or animals;
    - (ii) illness of, or injury to, humans or animals;
    - (iii) property loss or damage;
    - (iv) damage to the environment.
- (2) Before making a declaration, the Territory Controller must take reasonable steps to consult the Committee.
- (3) However, a failure to consult the Committee does not affect the validity of a declaration.
- (4) A declaration may be given orally or in writing, and must state:
  - (a) the time and date the declaration commences; and
  - (b) the period for which the declaration has effect, being a period of not more than 3 days, commencing on the date the declaration commences.
- (5) An oral declaration must be recorded in writing, and signed by the Territory Controller, as soon as practicable after it commences.

#### **16B Extension of emergency situation declaration**

- (1) The Territory Controller may extend the duration of an emergency situation declaration.
- (2) An extension of an emergency situation declaration may be given orally or in writing, and must state:
  - (a) the time and date the extension commences; and
  - (b) the period for which the extension has effect, being a period of not more than 3 days, commencing on the date the extension commences.
- (3) The combined period of a declaration and any extensions must not be more than 7 days, unless Ministerial approval is given for further extensions beyond this period.
- (4) An oral extension must be recorded in writing, and signed by the Territory Controller, as soon as practicable after it commences.
- (5) The Territory Controller must give written reasons for the extension to the Committee.

### **16C Revocation of emergency situation declaration or extension**

- (1) The Territory Controller may revoke an emergency situation declaration or extension to an emergency situation declaration.
- (2) A revocation of a declaration or extension may be given orally or in writing and must state the time and date the revocation commences.
- (3) An oral revocation must be recorded in writing, and signed by the Territory Controller, as soon as practicable after it commences.
- (4) Despite any other written law, a revocation does not affect:
  - (a) any penalty or punishment incurred, imposed or liable to be incurred or imposed, before the revocation; or
  - (b) any investigation or legal proceedings in respect of a penalty or punishment.

### **16D Publication of emergency situation declaration, extension and revocation**

- (1) An emergency situation declaration, an extension of an emergency situation declaration or a revocation of a declaration or extension must, as soon as possible after it commences, be:
  - (a) published in a community bulletin, and distributed in accordance with the bulletin distribution list by email and hard copy; and
  - (b) broadcast over community radio; and
  - (c) published on the community blackboard; and
  - (d) published on a website administered by the Department; and
  - (e) broadcast via SMS to the Committee, if SMS is available.
- (2) However, a failure to comply with subsection (1) does not affect the validity of a declaration, extension or revocation.

### **11 Subsection 17(6)**

Repeal the subsection.

### **12 Subsection 18(5)**

Repeal the subsection, substitute:

- (5) The Territory Controller must give written reasons for the extension to the Committee.

### **13 Subsection 19(5)**

Repeal the subsection.

### **14 Paragraph 20(1)(d)**

Omit “the Administrator’s website”, substitute “a website administered by the Department”.

### **15 Subsection 21(1)**

After “during”, insert “an emergency situation or”.



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**16 Subsection 22(1)**

After “management during”, insert “an emergency situation or”.

**17 Subsection 22(1)**

After “during the”, insert “emergency situation or”.

**18 Paragraph 22(1)(e)**

Omit “thing;”, substitute “thing.”.

**19 Paragraphs 22(1)(f) to (n)**

Repeal the paragraphs.

**20 Subsection 22(2)**

Repeal the subsection, substitute:

- (2) If reasonably required for the purposes of emergency management during a state of emergency, an authorised officer may exercise any of the following powers during the state of emergency:
- (a) enter or, if necessary, break into and enter, a place or vehicle in an emergency area without a warrant or the consent of the occupier of the place or the owner of the vehicle;
  - (b) remove or destroy an animal, vegetation or substance in an emergency area;
  - (c) remove, dismantle, demolish or destroy a vehicle, or any premises, in an emergency area;
  - (d) disconnect or shut off any electricity, gas, water or fuel supply, or any drainage facility, or any other service, in an emergency area;
  - (e) take and use electricity, gas, water or fuel, or use any other service, in an emergency area;
  - (f) excavate land or form tunnels in an emergency area;
  - (g) build earthworks or temporary structures, or erect barriers, in an emergency area;
  - (h) turn off, disconnect or shut down any motor or equipment in an emergency area;
  - (i) remove to any place that the authorised officer thinks proper any person who obstructs or threatens to obstruct emergency management activities.