



Jervis Bay Territory Emergency Management Amendment (2020 Measures No. 1) Ordinance 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 20 February 2020

David Hurley
Governor-General

By His Excellency's Command

Nola Marino
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

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1 Name

This Ordinance is the *Jervis Bay Territory Emergency Management Amendment (2020 Measures No. 1) Ordinance 2020*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	25 February 2020

Note: This table relates only to the provisions of this Ordinance as originally made.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 *Jervis Bay Territory Acceptance Act 1915*.

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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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

Jervis Bay Territory Emergency Management Ordinance 2015

1 Section 4 (subparagraph (a)(ii) of the definition of *emergency*)

Omit “; and”, substitute “; or”.

2 Section 4 (at the end of paragraph (a) of the definition of *emergency*)

Add:

(iii) causes a failure of, or a significant disruption to, an essential service or infrastructure; and

3 Section 4 (paragraph (e) of the definition of *emergency services officer*)

Omit “unit controller”, substitute “unit commander”.

4 Section 4 (after paragraph (g) of the definition of *emergency services organisation*)

Insert:

(ga) Surf Life Saving New South Wales;

(gb) Volunteer Marine Rescue NSW;

5 Section 4

Insert:

operation notice time: see subsection 30(3).

6 After paragraph 15(1)(b)

Insert:

or (c) is causing a failure of, or a disruption to, an essential service or infrastructure to a significant and widespread extent;

7 Subsection 26(2)

Repeal the subsection, substitute:

(2) However, subsection (1) does not apply if:

(a) the AFP has already been notified of the incident; or

(b) the organisation is Surf Life Saving New South Wales and the incident only requires, or is likely to only require, surf life-saving.

8 Section 29 (paragraph (d) of the definitions of *employer* and *employee*)

Omit “the *Interstate Road Transport Act 1985* or the *Passenger Transport Act 1990 (NSW)*”, substitute “the *Passenger Transport Act 2014 (NSW)*”.

9 Paragraph 30(1)(a)

Omit “the employer victimises”, substitute “the employer, after the operation notice time, victimises”.

10 At the end of section 30

Add:

- (3) The *operation notice time* is the earlier of the following times:
- (a) the time a declaration of a state of emergency is broadcast or published under section 16 in relation to an emergency in connection with which the emergency operation mentioned in paragraph (1)(b) of this section is carried out;
 - (b) the time an instrument made under subsection 31(1) commences which covers the emergency operation mentioned in paragraph (1)(b) of this section.

11 Section 31 (after the heading)

Insert:

Emergency operations to which Part applies

- (1A) This Part applies to:
- (a) an emergency operation that is covered by an instrument made under subsection (1); or
 - (b) if a state of emergency has been declared under section 15 in relation to an emergency—an emergency operation that is carried out in connection with that emergency, subject to subsection (1B).
- (1B) This Part applies under paragraph (1A)(b) to the emergency operation during the period starting when the emergency operation begins (whether before or after the state of emergency is declared) and ending at:
- (a) if paragraph (b) of this subsection does not apply—the end of the period during which the declaration of a state of emergency is in force; or
 - (b) if an instrument in force under subsection (1C) declares a day in relation to the state of emergency for the purposes of this paragraph—the end of that day.

Example: An employee is absent from the employee's employment to take part in an emergency operation before the time the declaration of a state of emergency is broadcast or published (i.e. the operation notice time). Section 30 may apply in relation to action taken by the employer, after the operation notice time, in relation to that absence.

Declaration of a day when Part ceases to apply

- (1C) The Minister may, by notifiable instrument, declare a day in relation to a state of emergency for the purposes of paragraph (1B)(b) that is no earlier than the day after the instrument is registered.

Note: The declared day may be before or after the end of the period in which the declaration of a state of emergency is in force. The declared day may be described in the instrument as the day after the instrument is registered or may be stated to be a particular day.

12 Before subsection 31(1)

Insert:

Direction that Part applies

13 After subsection 31(1)

Insert:

- (2A) If an instrument made under subsection (1) covers an emergency operation that began before the instrument commenced, the instrument may provide for this Part to apply to the operation from a specified day no earlier than the day when the operation began.

14 Subsection 44(1)

Omit “4 year period after that date”, substitute “10 year period after the completion of the previous review under this section”.

15 At the end of subsection 44(1)

Add:

Note: A review under this section was first completed in 2019.