
EMERGENCY SERVICES ACT 1976

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EMERGENCY SERVICES

No. 29 of 1976

AN ACT to make provision with respect to the protection of life and property from the effects of disaster and matters incidental thereto.

[21 June 1976]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—(1) This Act may be cited as the *Emergency Services Act* 1976. Short title and commencement.

(2) This Act shall commence on a day to be proclaimed.

Interpretation.

2 In this Act, unless the contrary intention appears—

- “ body ” means a body corporate or unincorporate and includes a government department, instrumentality or agency, a public authority or a municipality;
- “ civil defence ” means the measures necessary to protect the civilian population of the State from the effects of enemy attack or hostilities;
- “ combined municipalities ” means the municipalities that have united with one another for counter-disaster purposes;
- “ Committee ” means the State Disaster Committee established by section 6;
- “ counter-disaster ” means the planning, organization, co-ordination, and implementation of measures that are necessary or desirable to prevent, minimize, or overcome the effects of a disaster upon members of the public or any property in the State and includes the conduct of or participation in training for those purposes and civil defence measures necessary to combat the effects of enemy attack or hostilities;
- “ Director ” means the Director of Emergency Services appointed under section 20 and includes any person for the time being carrying out the duties of the Director;
- “ disaster ” means any occurrence, including an attack directed against the State, that causes or threatens to cause loss of life or property or injury to persons or property or distress to persons or that in any way endangers the safety of the public in the State or any part thereof, protection against which is beyond the resources of the statutory services;
- “ emergency ” means any occurrence that causes or threatens to cause loss of life or property or injury to persons or property or distress to persons or that in any way endangers the safety of the public in the State or any part thereof, protection against which necessitates the augmenting of the normal resources of a statutory service;
- “ Executive ” means the State Disaster Executive established by section 9;
- “ Group ” means a Region Disaster Planning Group established by section 15;
- “ Local Co-ordinator ” means the person appointed under section 30 to carry out counter-disaster functions within a municipality;

- “local emergency service” means a volunteer element of the State Emergency Service established and maintained under section 32 by a municipality within its area or by combined municipalities within their combined areas;
- “Ministerial Liaison Officer, Emergency Services” means the officer of the Public Service of the State appointed to carry out the prescribed duties of that office;
- “region” means a division of the State declared to be a region under section 13;
- “Region Disaster Controller” means the officer of police appointed to that office under section 14;
- “resources” includes any plant, vehicle, horse, or other animal, boat, aeroplane, apparatus, implement, earthmoving equipment, construction equipment, or other equipment of any kind, manpower, agency, authority, organization, or other requirement deemed necessary to counter the effects of disaster;
- “State Emergency Service” means the body established by section 19;
- “statutory service” means a body that is constituted by or under an Act of the State or of the Commonwealth and whose role usually includes counter-disaster operations.

3 This Act does not authorize the taking of measures amounting to or making preparations for— Non-application of Act.

- (a) actual combat against an enemy;
- (b) the putting down of a riot or other civil disturbance; or
- (c) the bringing to an end of a strike or lock-out

4 Where a provision of this Act is inconsistent with a provision of any other Act, this Act shall prevail. Provisions of this Act to prevail.

5 This Act binds the Crown.

Act binds Crown.

PART II

ADMINISTRATION

6—(1) There shall be a body called the State Disaster Committee. State Disaster Committee; constitution of the Committee.

(2) The members of the Committee shall be the holders for the time being of the following offices of the State:—

- (a) the Director of Emergency Services, who shall be the chairman of the Committee;

- (b) The Under-Treasurer;
- (c) The Director-General of Health Services;
- (d) The Director of Public Works;
- (e) The Director of Social Welfare;
- (f) The Under-Secretary;
- (g) The Chairman of the Public Service Board;
- (h) The Ministerial Liaison Officer, Emergency Services;
- (i) The Deputy Commissioner of Police;
- (j) The Chief Officer, Fire Brigades Commission; and
- (k) The State Fire Control Officer.

(3) The Minister may from time to time, appoint as a member of the Committee for such period as he thinks fit the administrative head of any government department, instrumentality, statutory corporation, or other body.

(4) A member of the Committee may authorize any other officer of his department or instrumentality or statutory corporation or other body as the case may be to attend a meeting of the Committee in his stead, and while so attending such officer shall be deemed for all purposes to be a member of the Committee.

Function of the
Committee.

7 The general function of the Committee shall be to advise and assist the Minister and the Director in the planning and implementation of all measures considered necessary or desirable to plan for and to counter the effects of disasters.

Proceedings of
the Committee.

8 The Committee shall meet as often as is necessary for the performance of its functions at such times and places as it thinks fit and shall conduct its business in the manner prescribed or, so far as not prescribed, as it determines from time to time.

State Disaster
Executive;
constitution of
the Executive.

9 For the purpose of carrying out all necessary counter-disaster functions as determined by the Committee there shall be a State Disaster Executive, which shall consist of—

- (a) the Commissioner of Police, who shall be the chairman of the Executive;
- (b) the Ministerial Liaison Officer, Emergency Services; and
- (c) the Director of Emergency Services, who shall be the executive officer of the Executive.

10 The Executive shall meet as often as is necessary for the due performance of its functions at such times and places as it thinks fit and shall conduct its business in the manner prescribed or, so far as not prescribed, as it determines from time to time.

Meetings of the Executive.

11—(1) The chairman of the Executive shall preside at all meetings of the Executive at which he is present and in his absence from any cause another member thereof appointed as prescribed shall preside and while so presiding shall have the powers, authorities, functions, duties, and immunities of the Chairman.

Proceedings of the Executive.

(2) If any member is unable from any cause to attend a meeting of the Executive, he may authorize any other officer of his department to attend the meeting in his stead and while so attending that other officer shall be deemed for all purposes to be a member of the Executive except that he shall not be entitled to be chairman of that meeting.

12 In his capacity as executive officer of the Executive, the Director shall—

Duties of Director as executive officer.

- (a) assist and advise the Minister on all matters with respect to counter-disaster measures;
- (b) be responsible to the Minister for the co-ordination and adequacy of counter-disaster measures;
- (c) prior to, during, or subsequent to the occurrence of a disaster or a special emergency translate to action instructions the decisions of the Executive and shall ensure that those instructions are transmitted to and carried out by the bodies to whom they are directed; and
- (d) if it is made to appear to him that resources of the Commonwealth or of another State or Territory of the Commonwealth are necessary to make better provision for the relief of the effects of a disaster or special emergency, request the appropriate aid.

13 For the purposes of the administration of this Act, the Governor, on the recommendation of the Minister, may by proclamation divide the State into three regions, limited as specified in the proclamation, to be known as the northern region, the north-west region, and the southern region, respectively.

Regions.

14 There shall be with respect to each region a Region Disaster Controller, who shall be an officer of police in that region appointed by the Minister on the recommendation of the Commissioner of Police.

Region Disaster Controller.

Region disaster
planning
groups.

15 There shall be in respect of each region referred to in section 13 a Region Disaster Planning Group, which shall consist of—

- (a) the Region Disaster Controller, who shall be the chairman of the Group;
- (b) a senior officer of urban fire brigades, who shall be appointed by the Fire Brigades Commission of Tasmania;
- (c) a senior officer of the Rural Fires Board, who shall be appointed by that board;
- (d) a senior ambulance officer, who shall be appointed by the Ambulance Commission of Tasmania;
- (e) a senior officer of the Public Service of Tasmania, who shall be appointed on the recommendation of the Executive;
- (f) a person appointed by municipalities of the region, the appointment being determined by an election conducted in the prescribed manner;
- (g) the Regional Officer of the State Emergency Service, who shall be the executive officer of the Group; and
- (h) such other persons as the Region Disaster Controller may from time to time appoint as members of the Group for such periods as he thinks fit.

Functions of
Groups.

16 The functions of a Region Disaster Planning Group are—

- (a) to prepare counter-disaster plans for its region and to review them from time to time and to submit plans and reviewed plans to the Executive;
- (b) to prepare and maintain up to date standing orders for counter-disaster purposes within the region; and
- (c) to carry out such other functions as may be allocated from time to time by the Executive.

Proceedings
of Groups.

17 A Region Disaster Planning Group shall meet as often as is necessary for the performance of its functions at such times and places as it thinks fit and shall conduct its business in the manner prescribed or, so far as not prescribed, as it determines from time to time.

18—(1) The Minister, Chairman, or Director may either generally or otherwise as provided by the instrument of delegation, by writing signed by him, delegate to any person all or any of his powers, authorities, functions, and duties under this Act except this power of delegation. Power to delegate.

(2) A power, authority, function, or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Minister, Chairman, or Director thinks fit including a requirement that the delegate shall report to him upon the exercise or performance of the delegated power, authority, function, or duty.

(4) The Minister, Chairman, or Director may make such and so many delegations of the same power, authority, function, or duty and to such number of persons as he considers necessary or desirable.

(5) A delegation is revocable at the will of the Minister, Chairman, or Director as the case may be and does not prevent the exercise of a power or authority or the performance of a function or duty by the Minister, Chairman, or Director.

(6) In this section, a reference to the Chairman includes a reference to the chairman of the Executive or of a Region Disaster Planning Group, as the case requires.

PART III

STATE EMERGENCY SERVICE

19—(1) There shall be established a body to be called the State Emergency Service. Establishment of State Emergency Service.

(2) The persons who at the commencement of this Act comprised the body called the Tasmanian State Emergency Service shall, subject to this Act, comprise the State Emergency Service.

20—(1) The Governor may, subject to the *Public Service Act* 1973, appoint a Director of Emergency Services and such other officers as he considers necessary for the administration of the State Emergency Service. Director of Emergency Services and other officers.

(2) Until another appointment is made, the person who at the commencement of this Act holds the appointment of Director of the body called the Tasmanian State Emergency Service shall be the Director of Emergency Services, and any other person holding an

office or occupying a position in the State Emergency Service at the commencement of this Act shall continue to hold that office or occupy that position until he vacates or is lawfully removed from that office or position.

(3) Subject to the approval of the Minister, the Director may engage and dismiss employees for casual work for the purposes of this Act.

Functions of
State Emergency
Service.

21 The functions of the State Emergency Service are:—

- (a) The education and training of government departments and other bodies, members of the public, volunteers, and volunteer groups for counter-disaster purposes;
- (b) The co-ordination, direction, and control of members of the public, volunteers and volunteer groups, material, and resources for counter-disaster purposes;
- (c) The development and installation of such communications and other operational facilities as may be required for counter-disaster purposes;
- (d) The promotion of and assistance with counter-disaster planning by municipalities, and the co-ordination of statutory services emergency and counter-disaster planning;
- (e) The selection, deployment, and co-ordination of resources in support of statutory services during emergency operations;
- (f) The raising, training, and equipping of such volunteer elements of the State Emergency Service as the Director considers necessary;
- (g) The evaluation of emergency equipment and facilities and the dissemination of the results of such evaluation; and
- (h) The allocation to local emergency services and supervision of counter-disaster equipment and facilities provided from State or Commonwealth funds.

Duties of
Director.

22 The Director of Emergency Services shall—

- (a) establish and direct the policy of the State Emergency Service with respect to planning, organization, equipment, training, administration, and operations;
- (b) arrange counter-disaster education and advisory programmes and disseminate information;
- (c) advise the Minister on all matters with respect to the State Emergency Service and on such aspects of the administration and operations of other emergency services as the Minister directs;

- (d) from time to time review and report to the Minister on the counter-disaster measures considered necessary or desirable with respect to any potential emergency situations in any area of the State;
- (e) advise and assist municipalities in the performance of the duties and exercise of the powers conferred on them with respect to counter-disaster measures under this Act;
- (f) advise and assist Government departments, instrumentalities, statutory organizations, voluntary agencies, and other bodies on matters with respect to counter-disaster measures under this Act;
- (g) report to the Minister the failure of any Government department, instrumentality, statutory corporation, municipality, or other organization or body to fulfil its responsibilities for counter-disaster measures under this Act;
- (h) produce, disseminate, and continually revise a State disaster plan and initiate such programmes of training with respect to that plan as may be considered necessary;
- (i) design, implement, and direct such counter-disaster planning programmes as may be necessary to ensure effective co-ordination between all authorities at all levels for emergency situations;
- (j) co-ordinate within the State such programmes of Commonwealth Government support to emergency services as may be mounted; and
- (k) in time of enemy action or hostilities against the State, exercise co-ordinating authority over all civil defence measures as defined by Commonwealth and State Governments.

23 The Director of Emergency Services may—

Powers of
Director.

- (a) appoint suitable persons to be registered volunteer members of the State Emergency Service;
- (b) appoint suitable persons to be executive volunteer members of the State Emergency Service;
- (c) prior to, during, or subsequent to, the occurrence of a disaster, appoint suitable persons to be temporary volunteer members of the State Emergency Service;
- (d) issue to members or volunteer members adequate means of personal identification;
- (e) inspect at regular intervals resources provided for municipalities for counter-disaster purposes;

- (f) establish and maintain such training facilities as may be necessary for counter-disaster purposes;
- (g) convene such committees as he thinks fit for counter-disaster purposes;
- (h) mount such multi-organization exercises as may be necessary to test counter-disaster plans and training; and
- (i) promote and carry out or cause to be carried out researches and investigations into matters relating to counter-disaster measures and promote and carry out, or cause to be carried out, the dissemination of information forthcoming from such researches and investigations.

Annual report.

24—(1) The Director shall, as soon as practicable after 30th June in each year, submit to the Minister a report on the administration and operations of the State Emergency Service under this Act during the period of 12 months ending on that day.

(2) The Minister shall cause each report under this section to be laid on the table of each House of Parliament within the first ten sitting days of the House after the report is received by him.

PART IV

DECLARATION OF A STATE OF DISASTER

Declaration of a state of disaster.

25—(1) If at any time it is made to appear to the Governor that the extent or severity of a disaster or impending disaster is or is likely to be so great that the counter-disaster measures necessary or desirable with respect to the disaster are beyond the resources of the statutory services or any of them he may, upon the recommendation of the Minister, by order-in-council, declare that a state of disaster exists in respect of any region or regions or of the whole State.

(2) A declaration of a state of disaster made pursuant to this section shall—

- (a) come into force immediately the order-in-council in respect thereof is made; and
- (b) continue in force for 14 days from the date the order-in-council in respect thereof was made unless sooner revoked.

(3) The duration of a state of disaster declared pursuant to this section may be extended by order-in-council for such periods not exceeding in each case 14 days as the Governor thinks fit.

(4) The Governor by order-in-council—

- (a) may at any time revoke a declaration made pursuant to this section; and
- (b) may extend for periods not exceeding in each case 14 days the duration of a state of disaster declared pursuant to this section.

26—(1) Upon a declaration of a state of disaster the chairman of the Executive shall institute such measures as are in accordance with the directions and orders of the Executive and with disaster contingency plans. Duties upon declaration of a state of disaster.

(2) Upon the declaration of a state of disaster a Region Disaster Controller shall—

- (a) take immediate action to use, direct, and co-ordinate all available resources within his region to counter the effects of the disaster;
- (b) immediately they become available, use, direct, and co-ordinate all additional resources that may be allocated or in respect of which arrangements have been made for allocation by the Executive; and
- (c) take such other measures as are provided for in contingency plans and standing orders.

27 Upon a declaration of a state of disaster the Premier or, in his absence, the Minister of the Crown who is temporarily performing the duties of the Premier, may— Powers upon declaration of a state of disaster.

- (a) direct that the resources of the Government of the State and other resources that the chairman of the Executive considers necessary to relieve the effect of the disaster be made available to be used in meeting the disaster;
- (b) take such other action as the chairman of the Executive considers appropriate to counter the effects of the disaster; and
- (c) authorize the expenditure of such sums of money as are determined by the Government of the State to relieve personal distress and assist in counter-disaster measures.

28—(1) Upon a declaration of a state of disaster the chairman of the Executive or a Region Disaster Controller may, if he is of the opinion that such action is necessary for the preservation of human life and without any authority other than this provision— Special powers with respect to the public.

- (a) require the owner or the person for the time being in charge of any resources to surrender them and place them under the control and direction of any authorized person involved in counter-disaster operations; and

- (b) direct the evacuation and exclusion of persons from any place and in the exercise of those powers may remove or cause to be removed a person who does not comply with a direction to evacuate or a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given.

(2) Upon a declaration of a state of disaster a Region Disaster Controller, local co-ordinator, police officer, or an authorized person involved in counter-disaster operations may, without any authority other than this provision—

- (a) enter, by force if necessary, any place where he believes on reasonable grounds it is necessary to do so for the saving of human life or the prevention of injury to persons or for the rescue of injured or endangered persons or for facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress;
- (b) if in his opinion it is necessary to do so for the conduct of counter-disaster operations, close to traffic any road, street, private street, private way, service lane, right of way, or access way or close any public place; and
- (c) remove from any place a vehicle that is impeding counter-disaster operations and to facilitate its removal may use such force as is reasonably necessary to break into that vehicle.

(3) The powers conferred upon the chairman of the Executive or a Region Disaster Controller by subsection (1) (b) may be exercised also by a local co-ordinator, police officer, or an authorized person involved in counter-disaster operations.

(4) A person who suffers loss or damage to his property by reason of the exercise of the powers conferred by subsection (1) (a) and subsection (2) (c) shall be entitled to claim compensation for such loss or damage, such claim for compensation to be made to the Minister in the first instance.

(5) For the purposes of this section, “authorized person” means any person to whom counter-disaster powers are delegated by the chairman of the Executive, the Director, or the Region Disaster Controller.

Special
emergency.

29—(1) Where the Minister, during the currency of an emergency, and having regard to the magnitude or threatened magnitude of the emergency and the facilities that appear to him to be available

to deal with the emergency, is satisfied that extraordinary measures are necessary or advisable for the protection of life or property, he may, after consultation with the Executive, declare that the emergency shall be a special emergency.

(2) A declaration under this section shall take effect from the making thereof and shall, unless sooner revoked, continue in force for the currency of the emergency.

(3) As soon as is practicable after the declaration of a special emergency under this section, the Minister shall confirm the declaration in writing in the prescribed form.

(4) Upon a declaration of a special emergency under this section, the Executive shall institute such measures as may be necessary to ensure adequate protection of life and property and to expedite the termination of the emergency.

PART V

DUTIES AND POWERS OF MUNICIPALITIES

30—(1) Save where it has united with another municipality for counter-disaster purposes under subsection (2), each municipality shall—

Duties and powers of municipalities with respect to counter-disaster measures.

- (a) nominate a person to be the volunteer Local Co-ordinator of the State Emergency Service and furnish that nomination to the Director for approval and appointment by the Minister;
- (b) prepare a local counter-disaster plan to deal with all counter-disaster measures within its area; and
- (c) use as prescribed or, so far as is not prescribed, as the Director determines for counter-disaster purposes its resources and resources made available to it for those purposes.

(2) A municipality may, by agreement and with the approval of the Minister, unite with one or more than one other municipality for the purpose of arranging and carrying out counter-disaster measures in the combined areas of the municipalities that are parties to the agreement.

(3) Where two or more municipalities have united for counter-disaster purposes under subsection (2), they shall—

- (a) nominate jointly a person to be the volunteer Local Co-ordinator of the State Emergency Service and furnish that nomination to the Director for approval and appointment by the Minister;

- (b) prepare a joint counter-disaster plan to deal with all counter-disaster measures within the combined areas; and
- (c) use as prescribed or, so far as is not prescribed, as the Director determines for counter-disaster purposes the resources of the combined municipalities and resources made available to them for those purposes.

(4) A municipality or, as the case requires, combined municipalities may direct that any resources made available to it or them by the State Emergency Service be utilized for any emergency purpose within its area or, as the case requires, combined areas, and in such case the Local Co-ordinator shall be the officer in charge of those resources for the duration of the emergency.

Local counter-disaster plans.

31—(1) Every counter-disaster plan prepared in accordance with section 30 shall be furnished by the municipality or, as the case requires, combined municipalities to the Director for approval.

(2) In considering any counter-disaster plan furnished under subsection (1), the Director shall have regard to the extent to which the plan in his opinion makes adequate provision for the implementation of counter-disaster measures in the area for which the plan has been formulated, and may—

- (a) approve the plan; or
- (b) approve the plan subject to such modifications as he thinks fit.

(3) Each counter-disaster plan approved under subsection (2) shall be furnished to the appropriate Region Disaster Planning Group for inclusion as part of the region counter-disaster plan.

(4) Each counter-disaster plan approved under subsection (2) shall, from time to time at intervals of not more than two years, be reviewed by the Director, who shall—

- (a) confirm the plan; or
- (b) confirm the plan subject to such modifications as he thinks fit.

Local emergency services.

32—(1) Each municipality or combination of municipalities shall raise and maintain such local volunteer elements of the State Emergency Service as, after consultation with the Director, it or they consider necessary to ensure effective operation of the local counter-disaster plan.

(2) A local emergency service established under this section shall be entitled to such issues of counter-disaster equipment from the State Emergency Service as the Director determines and shall maintain and use such equipment for purposes of training and emergency operations.

(3) Local volunteer groups, including volunteer welfare agencies, may if they so wish gain affiliation with the local emergency service, and in such case shall be entitled to such issues of counter-disaster equipment as the Director determines and the use of such training and operational facilities as may be made available by the State Emergency Service.

33—(1) During the period of his appointment a Local Co-ordinator shall—

Duties and
powers of
Local
Co-ordinator.

- (a) be responsible to the Director for the care and maintenance of such equipment as is made available to the municipality by the State Emergency Service;
- (b) advise and assist all officers of the municipality with respect to counter-disaster functions;
- (c) act as executive officer to the municipality with respect to the production of the local counter-disaster plan; and
- (d) act as officer in charge of such local emergency service as may be raised by the municipality or combined municipalities under section 32.

(2) In his capacity as officer in charge of a local emergency service, the Local Co-ordinator may—

- (a) nominate suitable persons to be registered volunteer members of the State Emergency Service;
- (b) nominate suitable persons for attendance at counter-disaster training courses;
- (c) utilize the resources of the local emergency service in support of police or statutory services for emergency purposes within the municipality;
- (d) advise officers of the municipality in respect of such facilities as may be required for effective operation of the local emergency service; and
- (e) exercise such other powers and perform such other functions and duties as are prescribed or, so far as not prescribed, as the Director determines.

Power to unite
in contracts.

34 Where two or more municipalities have united for counter-disaster purposes, they may for those purposes enter into contracts, being within their several powers, between themselves or some or one of them on behalf of all of them on the one hand and any other person on the other hand and generally may join in any act.

Allocations to
municipalities.

35—(1) The Minister may, out of monies appropriated by Parliament for the purposes of this Act, allocate to a municipality or combined municipalities such sums for such purposes as he determines.

(2) Sums allocated pursuant to this section shall be expended for the purposes for which the allocation was made.

PART VI

MISCELLANEOUS

Protection from
liability.

36 No action or proceedings shall lie or be brought or allowed by or in favour of any person against the Crown, the Minister, a municipality, combined municipalities, a member of the Police Force, the State Emergency Service or the Director or other officer thereof, or any other person or body acting in the execution or intended execution of this Act or in accordance with any delegation under this Act or in compliance or intended compliance with any direction given or purported to be given under this Act in respect of anything done or omitted to be done in good faith under and for the purposes of this Act.

Offences with
respect to
officers and
other persons.

37 No person shall assault, obstruct, threaten, abuse, insult, or intimidate the Director, an officer, or any other person in the exercise of his powers or the discharge of his functions and duties under this Act.

Offences
generally and
penalty.

38—(1) A person who contravenes or fails to comply with any provision of this Act is guilty of an offence against this Act.

(2) A person who—

(a) fails to do that which he is directed or required to do; or

(b) does that which he is forbidden to do,

by a person acting under the authority of this Act commits an offence against this Act.

(3) A person who is guilty of an offence against this Act is liable to a penalty of \$500.

39 Prosecution of offenders against this Act shall be taken by way of summary proceedings upon the complaint of the Director or person authorized in writing in that behalf by the Minister. Proceedings for offences.

40—(1) Where a body corporate commits an offence against this Act each of the following persons shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly:— Offences by body corporate.

- (a) The managing director, manager, or other governing officer, by whatever name called and every member of the governing body thereof, by whatever name called; and
- (b) Every person who in this State manages or acts or takes part in the management, administration, or government of the business in this State of the body corporate.

(2) This section applies so as not to limit or affect the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

41 In a proceeding for the purposes of this Act a certificate purporting to be signed by the Director and to certify— Evidentiary provisions.

- (a) that a state of disaster was in existence either in the whole State or part of the State as specified therein on a day or during a period specified therein;
- (b) that a declaration of a state of disaster was in force on a day or during a period as specified therein;
- (c) that a delegation by the Minister, chairman of the Executive or of a Regional Disaster Planning Group, or Director to a person specified therein of the exercise or performance of any power, authority, function, or duty specified therein was in force on a day or during a period specified therein;
- (d) that a delegation by the Minister, chairman of the Executive or of a Regional Disaster Planning Group, or Director to a person specified therein was subject to the conditions or limitations specified therein or was not subject to any conditions or limitations other than those specified therein or was not subject to any conditions or limitations at all; or

(e) that a person specified therein was a person authorized pursuant to this Act,
shall be evidence of the facts so certified.

Protection of
employment
rights.

42 A person who during the period of a state of disaster declared pursuant to this Act is absent from his usual employment on duties in connection with counter-disaster measures in any capacity whatever shall not be liable for dismissal, loss of long service leave, sick leave, recreation leave, or other benefits to which he may be entitled under the industrial award applicable to his usual employment by reason only of his absence on those duties whether or not his usual employer has consented to his absence.

Compensation
for personal
injury.

43 Every person who is a member of a local emergency service or any body acting under the authority of the Director or the Region Disaster Controller shall, while he is engaged in counter-disaster operations or participating in counter-disaster training under the control of—

- (a) a Region Disaster Controller or a person acting under his authority;
 - (b) the Director or a person acting under his authority; or
 - (c) a Local Co-ordinator or a person acting under his authority,
- be deemed to be a worker within the provisions of the *Workers' Compensation Act 1927* and the provisions of that Act shall apply accordingly.

Regulations.

44—(1) The Governor may make regulations not inconsistent with this Act for or with respect to all matters required or permitted by this Act to be prescribed and all matters that in the opinion of the Governor are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.

(2) Regulations may be made to apply—

- (a) generally or to meet a particular case or class of case; or
- (b) throughout the State or within any part of the State.