



EMERGENCY SERVICES AMENDMENT ACT 1986

No. 55 of 1986

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AN ACT to amend the Emergency Services Act 1976.

[Royal Assent 20 May 1986]

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:—

1—This Act may be cited as the *Emergency Services Amendment Act* 1986. Short title.

Principal Act. **2**—In this Act, the *Emergency Services Act 1976** is referred to as the Principal Act.

Amendment of section 2 of Principal Act (Interpretation).

3—Section 2 of the Principal Act is amended—

(a) by omitting from the definition of “emergency” all words from and including “any occurrence” and substituting “in which a disaster appears likely to occur”;

(b) by inserting the following definition after the definition of “State Emergency Service”:

“state of alert” means a state of alert declared under section 29;

Amendment of Part IV of Principal Act (DECLARATION OF A STATE OF DISASTER).

4—Part IV of the Principal Act is amended by omitting the heading and substituting the following heading:—

DECLARATION OF A STATE OF DISASTER OR EMERGENCY

Insertion of new Part IVA in Principal Act (DECLARATION OF STATE OF ALERT).

5—The following Part is inserted after Part IV of the Principal Act:—

PART IVA

DECLARATION OF STATE OF ALERT

Declaration of state of alert.

29—(1) Where, in the opinion of the Director—

(a) an occurrence or an impending occurrence is likely to cause loss of life or injury to persons; and

(b) the evacuation and exclusion of persons from a place is necessary in order to avoid that loss of life or injury, but the declaration of a state of disaster or emergency has not been made,

the Director may declare a state of alert in relation to that place.

(2) Upon declaration of a state of alert in relation to a place, the Director may exercise in that place those powers that are exercisable in pursuance of section 28 (1) (b) in a state of disaster or emergency.

(3) Upon declaration of a state of alert in relation to a place, a Region Disaster Controller, local co-ordinator appointed in relation to that place, police officer, or an authorized person, may, without any authority other than this provision, but

* No. 29 of 1976, as amended by No. 111 of 1985.

subject to the direction of the Director, exercise in that place those powers that are exercisable under section 28 (2) upon a declaration of a state of disaster or emergency.

(4) Upon a declaration of a state of alert in relation to a place, the Director may instruct any statutory service to prepare for a possible declaration of a state of emergency or disaster.

(5) A person who suffers loss or damage to his property by reason of the exercise in a state of alert of powers set out in section 28 (1) (b) or (2) 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.

(6) For the purposes of subsection (3), "authorized person" means a person authorized by the Director, the volunteer Local Co-ordinator, if any, or a police officer, to assist in the evacuation and exclusion of persons from a place.

29A—A declaration of a state of alert in relation to a place shall come into force on the day on which the declaration is made and shall continue in force for a period not exceeding 2 days that is specified in the declaration, unless—

Duration of state of alert.

- (a) it is sooner revoked; or
- (b) a state of emergency or disaster is declared that applies to that place.

6—The Principal Act is further amended as set out in Schedule 1.

Further amendments.

SCHEDULE 1

Section 6

FURTHER AMENDMENTS

Provision amended	Amendment
Section 12 (c)	Omit " a special ", substitute " an ".
Section 12 (d)	Omit " special ", substitute " an ".
Section 15 (d)	Omit "Ambulance Commission of Tasmania", substitute " Director of Ambulance Services ".
Section 30 (1) (c), (4) (b), and (5)	Insert " or state of alert," after " emergency,".
Section 41 (a) and (b), and section 42	Insert " or emergency, or state of alert," after " disaster ".

