

## Summary of the Main Categories of Powers under the *Emergency Management Act 2006*

Power Type	Brief Description	Approving Authority	Reason/Justification for Approval	Duration	Extensions	Conditions/Other Requirements
Risk identification and assessment powers (s36-39)	Allows an appropriate authorised officer (stipulated in the authorisation) to enter and inspect a specified place, premises of vehicle or a class of places, premises of vehicles connected with the place, structure, source or situation that may be a potential hazard or risk activity. Several conditions apply.	State Emergency Management Controller (State Controller)	State Controller considers that a place, structure, source or situation may be a potential hazard or that an activity may be a potential risk activity that might cause, contribute to or aggravate an emergency	As stipulated in the authority	State Controller, as required, but conditions at s37(2) must be met for the extension	<ul style="list-style-type: none"> <li>Minister must be informed if entry requires notice to be given (ie. Occupier consent not initially given)</li> <li>Authorisation and any amendments must be in writing and include all details (including the nature of the risk, the authorised officer) – copy must be provided to the occupier</li> <li>Consent must be provided by occupier unless: <ul style="list-style-type: none"> <li>3 days written notice is provided, or</li> <li>the premises is open to the public.</li> </ul> </li> <li>State Controller must report to the Minister all occasions these powers have been authorised each year</li> <li>Minister must report to Parliament all occasions these powers have been authorised each year</li> </ul>
Emergency Powers (s40-41 and Schedule 1)	These provisions allow the State Controller to authorise certain emergency powers in response to an emergency. Several conditions apply.	State Controller	State Controller is satisfied that an emergency is occurring or has occurred and the powers are necessary for the protection of people from distress, injury or death, or protecting property or the environment from damage or destruction	Up to 7 days unless sooner revoked by the State Controller	Up to 7 days with the consent of the Minister	<ul style="list-style-type: none"> <li>Minister must be informed</li> <li>Authorisation must be in writing and include all details (including the appropriate authorised officer(s) able to exercise the powers, the specific emergency powers that may be exercised, timings, area, etc) – copy must be provided to affected Regional Controllers and authorised officers who may exercise the powers</li> <li>State Controller must report to the Minister all occasions these powers have been authorised each year</li> <li>Minister must report to Parliament all occasions these powers have been authorised each year</li> </ul>
Special Emergency Powers (s42-45)	These provisions allow the State Controller or Regional Controllers (as stipulated in a declaration) to exercise certain special emergency powers during a declared state of emergency. These powers apply to major emergencies. Unless specified in the declaration, the provisions also allow Regional Controllers to authorise emergency powers (above). Several conditions apply.	Premier	Premier is satisfied that an emergency is occurring or has occurred and the special emergency powers may be necessary for the protection of people from distress, injury or death, or protecting property or the environment from damage or destruction.	Up to 14 days (Up to 12 weeks for a major animal/human disease emergency) unless the declaration is sooner revoked by the Premier.	Up to 14 days (Up to 12 weeks for a major animal/human disease emergency)	<ul style="list-style-type: none"> <li>Declaration must be in writing and include all details (including the authorised officers and specific special emergency powers that may be exercised, timings, area, etc) – copy must be provided to the persons who may exercise the powers</li> <li>State Emergency Management Committee must review the ongoing need for a declaration exceeding 4 weeks and then every 2 weeks and advise the Premier accordingly</li> <li>State Controller must report to the Minister all occasions these powers or declarations have been authorised each year</li> <li>Minister must report to Parliament all occasions these powers or declarations have been authorised each year</li> </ul>