

NORTHERN TERRITORY OF AUSTRALIA

FIRE AND EMERGENCY LEGISLATION AMENDMENT ACT 2024

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Act No. 5 of 2024

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 5 of 2024

An Act to amend the *Emergency Management Act 2013*, the *Fire and Emergency Act 1996*, the *Fire and Emergency Regulations 1996* and the *Public Sector Employment and Management Act 1993*

[Assented to 14 March 2024]  
[Introduced 14 February 2024]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Fire and Emergency Legislation Amendment Act 2024*.

### 2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 12 February 2026, it commences on that day.

## Part 2 Amendment of Emergency Management Act 2013

### 3 Act amended

This Part amends the *Emergency Management Act 2013*.

**4 Section 8 amended (Definitions)**

- (1) Section 8, definition **Director**

*omit*

- (2) Section 8

*insert*

**Chief Officer** means the person holding or occupying the office of Chief Officer mentioned in section 48(1).

**Commissioner**, see section 3(1) of the *Fire and Emergency Act 1996*.

- (3) Section 8, at the end

*insert*

*Note for section 8*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

**5 Section 25 amended (Duties of Chief Executive Officers)**

Section 25, at the end

*insert*

*Note for section 25*

*This section applies to the Commissioner as a Chief Executive Officer.*

**6 Section 40 amended (Membership of Council)**

Section 40(1)(c)

*omit, insert*

(c) the Commissioner;

(ca) the Chief Officer;

(cb) the Chief Officer as defined in section 3(1) of the *Fire and Emergency Act 1996*;

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**7 Section 45 amended (Membership of NTES)**

Section 45(a) and (b)

*omit, insert*

- (a) the Commissioner;
- (b) the Chief Officer;

**8 Section 48 replaced**

Section 48

*repeal, insert*

**48 Chief Officer**

- (1) The Commissioner must appoint a public sector employee to be the Chief Officer.
- (2) Subject to the directions of the Commissioner, the Chief Officer has operational responsibility for the NTES.
- (3) The Chief Officer has the powers necessary to perform the Chief Officer's functions.

**9 Section 49 amended (Functions of Director)**

- (1) Section 49, heading

*omit*

**Director**

*insert*

**Commissioner**

- (2) Section 49

*omit (all references)*

Director

*insert*

Commissioner

- (3) Section 49(b)

*omit*

**10 Section 50 amended (Powers of Director)**

- (1) Section 50, heading

*omit*

**Director**

*insert*

**Commissioner**

- (2) Section 50

*omit (all references)*

Director

*insert*

Commissioner

- (3) Section 50(a)

*omit*

his or her

*insert*

the Commissioner's

**11 Section 51 repealed (Director subject to directions)**

Section 51

*repeal*

**12 Section 61 amended (Membership of Regional Emergency Committee)**

- (1) Section 61(2)(a)

*omit*

Director

*insert*

Commissioner

## (2) Section 61(2)(b)

*omit, insert*

- (b) one must be a person nominated by the Commissioner who is a member of the Northern Territory Fire and Rescue Service, as established under section 5 of the *Fire and Emergency Act 1996*; and

**13 Section 98 amended (Authorised officers)**

## Section 98(1)(c)

*omit, insert*

- (c) the Commissioner;
- (ca) the Chief Officer;
- (cb) the Chief Officer as defined in section 3(1) of the *Fire and Emergency Act 1996*;

**14 Part 9 replaced**

## Part 9

*repeal, insert*

**Part 9 Transitional matters for Fire and Emergency Legislation Amendment Act 2024****128 Definition**

In this Part:

***commencement*** means commencement of section 3 of the *Fire and Emergency Legislation Amendment Act 2024*.

**129 Director and nominated member of Regional Emergency Committee**

- (1) The person who, immediately before the commencement, was the Director appointed under section 48, is taken, on the commencement, to be the Chief Officer.
- (2) The person who was nominated under section 61(2)(b) and, immediately before the commencement, was a member of a Regional Emergency Committee and continues as a member after commencement in accordance with the person's appointment.

**130 Actions, agreement, arrangements and plans**

Any action, agreement, arrangement, plan or other thing taken, made, prepared or done by the Director and in effect immediately before the commencement is taken, after the commencement, to be taken, made or done by the Commissioner.

**131 Protection from liability**

Section 113 continues to apply to any act done or omitted to be done in good faith in the exercise of a power or performance of a function by the Director before the commencement.

**15 Schedules 3 and 4 repealed**

Schedules 3 and 4

*repeal*

**16 Act further amended**

Schedule 1 has effect.

**Part 3 Amendment of Fire and Emergency Act 1996****17 Act amended**

This Part amends the *Fire and Emergency Act 1996*.

**18 Section 3 amended (Interpretation)**

- (1) Section 3(1), definitions **Chief Executive Officer**, **Chief Fire Officer** and **Director**

*omit*

- (2) Section 3(1)

*insert*

**Chief Officer** means the person holding or occupying the office of the Chief Officer of the Fire and Rescue Service mentioned in section 8.

**Commissioner** means the person holding or occupying the office of the Commissioner of Fire and Emergency Services mentioned in section 7(1).



- (3) Section 3(1), definition **authorised**

*omit*

Director

*insert*

Commissioner

- (4) Section 3(1), definition **emergency**

*omit*

Chief Executive Officer

*insert*

Commissioner

- (5) Section 3(1), at the end

*insert*

*Note for subsection (1)*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

## **19 Section 5 amended (Northern Territory Fire and Rescue Service)**

Section 5(1) and (2)

*omit, insert*

The Northern Territory Fire and Rescue Service is established.

## **20 Section 6 amended (Role of Fire and Rescue Service)**

Section 6(c)

*omit*

(other than those referred to in paragraph (b)

*insert*

, other than those mentioned in paragraph (b),

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**21 Sections 7 and 8 replaced**

Sections 7 and 8

*repeal, insert*

**7 Commissioner of Fire and Emergency Services**

- (1) The Administrator may, by commission, appoint a person to be the Commissioner of Fire and Emergency Services.
- (2) The Commissioner holds office on the terms and conditions, including remuneration, expenses and allowances, determined by the Administrator from time to time.
- (3) The Commissioner must exercise all the powers and perform all the functions of office in accordance with the written directions, if any, given by the Minister.
- (4) The Commissioner has general control and overall responsibility for the management of the Fire and Rescue Service.
- (5) Without limiting subsection (4), the functions of the Commissioner are to do the following:
  - (a) make provision in every emergency response area, so far as the capacity and resources of the Fire and Rescue Service permits, for the effective response to all incidents, including preventing, suppressing and extinguishing fires or dealing with emergencies and for the safety of people and property endangered by fire or other emergencies;
  - (b) ensure that the Fire and Rescue Service is maintained in accordance with this Act and in a state of operational readiness;
  - (c) review the efficiency and effectiveness of the Fire and Rescue Service;
  - (d) make provision for effective cooperation between the Fire and Rescue Service, the Bushfires Council established by section 21 of the *Bushfires Management Act 2016* and the Northern Territory Emergency Service as defined in section 8 of the *Emergency Management Act 2013*;
  - (e) enter into agreements and protocol arrangements with organisations, either within or outside the Territory, that can assist the Fire and Rescue Service in the performance of its role under this Act;

- (f) enter into contractual arrangements for the provision of fire and rescue services, whether within an emergency response area or not;
  - (g) enter into contractual arrangements for the provision of services ancillary to fire and rescue services, including (but not limited to) the supply, installation and monitoring of fire alarm systems;
  - (h) enter into contractual arrangements for the provision (with or without charge) of training programs and public awareness programs.
- (6) The Commissioner has the powers necessary to perform the Commissioner's functions.
  - (7) The Commissioner may resign office by written notice given to the Administrator.
  - (8) A notice of resignation under subsection (7) has effect when accepted by the Administrator.

#### **7A Acting Commissioner**

- (1) The Minister may, in writing, appoint a person to act as the Commissioner:
  - (a) during a vacancy in the office; or
  - (b) during any period, or during all periods, when the Commissioner is absent or unable to perform the duties of the position.
- (2) A person appointed to act as the Commissioner during a vacancy in the office must not continue to act for more than 12 months after the vacancy occurred.
- (3) If a person is appointed under subsection (1)(b) and that position becomes vacant while the person is acting, the person may continue to act in that office until:
  - (a) the Minister otherwise directs; or
  - (b) the office ceases to be vacant; or
  - (c) the person resigns their appointment; or
  - (d) the day 12 months after the day the vacancy occurred.

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- (4) A person may resign an appointment under subsection (1) by written notice given to the Minister.
  - (5) A notice of resignation under subsection (4) has effect when accepted by the Minister.
  - (6) The validity of anything done by a person acting as Commissioner under subsection (1) must not be called in question by reason of the following:
    - (a) any defect or irregularity in or in connection with the appointment;
    - (b) that the occasion for the appointment had not arisen;
    - (c) that the appointment had ceased to have effect.

## **8 Chief Officer**

- (1) There is a Chief Officer of the Fire and Rescue Service appointed by the Commissioner.
- (2) The Chief Officer must be a person with substantial experience in the emergency response activities of a fire and rescue service.

## **22 Section 9 amended (Powers and functions of Chief Fire Officer)**

- (1) Section 9, heading

*omit*

**Fire**
- (2) Section 9(1)

*omit*

Director, the Chief Fire Officer

*insert*

Commissioner, the Chief Officer
- (3) Section 9(2)

*omit, insert*

  - (2) The Chief Officer has the powers necessary to perform the Chief Officer's functions.

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**23 Section 10 amended (Delegation)**

Section 10(1) and (2)

*omit, insert*

The Minister and Commissioner may, in writing, delegate to a person any of their powers and functions under this Act.

**24 Section 30 amended (Granting of permits)**

(1) Section 30(1), (2), (5) and (6)(c)

*omit*

Director

*insert*

Commissioner

(2) Section 30(3), (4) and (7)

*omit*

(3) After section 30(6)

*insert*

Maximum penalty: 100 penalty units or imprisonment for 2 years.

**25 Part 9 inserted**

After section 55

*insert*

**Part 9 Transitional matters for Fire and Emergency Legislation Amendment Act 2024****56 Definition**

In this Part:

***commencement*** means commencement of section 17 of the *Fire and Emergency Legislation Amendment Act 2024*.

**57 Chief Fire Officer**

The person who, immediately before the commencement, was the Chief Fire Officer appointed under section 7, is taken, on the commencement, to be the Chief Officer.

**58 Actions, agreement and arrangements**

- (1) Any action, agreement, arrangement, plan or other thing taken, made, prepared or done by the Director or the Chief Executive Officer and in effect immediately before the commencement are taken, after the commencement, to be taken, made or done by the Commissioner.
- (2) Any action, agreement, arrangement, plan or other thing taken, made, prepared or done by the Chief Fire Officer before the commencement, other than a nomination under section 61(2)(b) of the *Emergency Management Act 2013*, is taken, after the commencement, to be taken, made or done by the Chief Officer.

**26 Act further amended**

Schedule 2 has effect.

**Part 4 Fire and Emergency Regulations 1996****27 Regulations amended**

This Part amends the *Fire and Emergency Regulations 1996*.

**28 Regulation 18A amended (Withdrawal of Infringement notice)**

Regulation 18A(1)(c)

*omit*

Director

*insert*

Commissioner

**29 Regulation 20 amended (Fees and charges)**

Regulation 20(2)

*omit*

Director

*insert*

Commissioner

## **Part 5 Public Sector Employment and Management Act 1993**

### **30 Act amended**

This Part amends the *Public Sector Employment and Management Act 1993*.

### **31 Schedule 1 amended (Chief Executive Officers of particular Agencies)**

Schedule 1, at the end

*insert*

Northern Territory Fire and  
Emergency Service

Commissioner of Fire and  
Emergency Services

## **Part 6 Repeal**

### **32 Repeal of Act**

This Act is repealed on the day after it commences.

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**Schedule 1      Emergency Management Act 2013 further amended**

section 16

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Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 9(1), 10(1), (2)(b) and (4), 11, 13(1)(b), 16(1)(b), 37(d), 52 and 53(1), (2), (3)(d) and (5)	Director	Commissioner
section 53(3)(a)	Director's	Commissioner's
section 53(4)	his or her	the officer's
sections 72(2)(a), 83(b), 99(1) and 100(1)	Director	Commissioner
section 100(3)	establishes	has
section 112(1)(d)	Director	Commissioner
section 112(2)(a) and (b)	his or her	the Local Controller's

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**Schedule 2 Fire and Emergency Act 1996 further amended**

section 26

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 8A, 12(1) and (2) and 13(1) and (3)	Director	Commissioner
section 13(2)	his or her	the member's
section 14(1)	Director	Commissioner
section 14(2)	his or her	the member's
sections 17(1), 18 and 19(3) and (5)	Director <i>(all references)</i>	Commissioner
section 19(6)	Director his or her <i>(all references)</i>	Commissioner the person's
sections 21(1)(a) and (b) and 22(1), (3) and (4)	Director <i>(all references)</i>	Commissioner
section 22(5)	his or her	the investigator's
section 24(1) and (2)	Director	Commissioner
section 25(1), (2) and (5)	Director <i>(all references)</i>	Chief Officer
section 26(1), (2)(c), (3), (4), (5) and (6)	Chief Executive Officer <i>(all references)</i>	Commissioner
section 27A(1) and (3)	Director	Chief Officer
section 27B(1)	Director	Chief Officer or an authorised person
section 27B(2)	Director	Chief Officer or authorised person
section 27B(4)	Chief Executive Officer	Commissioner

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 31(1)	Director	Commissioner
section 31(3)	Director <i>(all references)</i>	Commissioner
	he or she	the Commissioner
sections 35(1)(b), 37, 41(1) and (3), 42, 43(5), 45, 50 and 51(1)	Director <i>(all references)</i>	Commissioner