

## Appendix

# READY REFERENCE: POWERS OF EMERGENCY OFFICERS

*State and Territory disaster controllers*

In the case of:	ACT <sup>1</sup>	NSW <sup>2</sup>	NT <sup>3</sup>	QLD <sup>4</sup>
State of Alert				
Declared Emergency				
State of Emergency	✓	✓	✓	
State of Disaster			✓	✓
Emergency situation				✓

**The:**

State/Territory Controller or Coordinator	✓		✓	
Minister,		✓		
Incident Commander				✓
Disaster District/Region Coordinator				✓
Authorised officer	✓	✓	✓	
Declared disaster officer				✓
Police officer			✓	✓

**May:**

Control the movement of people, animals or vehicles within, into or around the emergency area	✓			✓
Direct any road or other public place to be closed	✓	✓	✓	✓
Enter land, a building, structure or vehicle using reasonable force if necessary	✓	✓*	✓	✓
Excavate land or form tunnels				✓
Construct earthworks, erect barriers or temporary structures	✓			✓
Turn off, disconnect or shut down any motor or equipment	✓			✓
Open any receptacle, or dismantle any equipment	✓			✓
Bring any apparatus or equipment onto land or into a building, structure or vehicle	✓			✓
Direct the evacuation and/or exclusion of people			✓	✓
Contain any animal or substance	✓			✓

## EMERGENCY LAW

Control, use, close off or block any drainage facility	✓			✓
Control, shut off or disconnect any supply of fuel, gas, electricity or water	✓	✓		✓
Take and use fuel, gas, electricity or water				✓
Take possession of any land, building, structure, vehicle, animal, substance or other thing	✓	✓		✓
Require the owner of property to make it available, to take possession of and use any private property	✓	✓	✓	✓
Remove, dismantle, demolish or destroy any building, or structure or vehicle within the emergency area	✓			✓
Remove or secure any vehicle, vessel or boat			✓	✓
Shore up any wall or premises that are insecure		✓		
Remove or destroy any animal, substance or vegetation	✓			✓
Maintain, restore, or prevent disruption of, essential services	✓			✓
Require any person to assist	✓		✓	✓

1. *Emergencies Act 2004* (ACT) ss 34 and 160A.

2. *State Emergency and Rescue Management Act 1989* (NSW) ss 36-37B.

3. *Disaster Act 1982* (NT) ss 35, 37-39.

4. *Public Safety Preservation Act 1986* (Qld) ss 8; *Disaster Management Act 2003* (Qld) s 77.

- \* Only an officer authorised in writing is allowed to enter premises without the consent of the owner

## READY REFERENCE

### *State and Territory disaster controllers*

<b>In the case of a:</b>	<b>SA<sup>1</sup></b>	<b>TAS<sup>2</sup></b>	<b>VIC</b>	<b>VIC<sup>3</sup></b>	<b>WA</b>
Major incident	✓				
Major emergency	✓	✓			
State of Emergency		✓			✓
Disaster	✓			✓	
Emergency Area			✓		

**The:**

State/Territory Controller or Coordinator	✓	✓			
The Minister,				✓	
Incident Commander					
Disaster District/Region Coordinator		✓			
Authorised officer	✓				✓
Police officer	✓		✓		

**May:**

Control the movement of people, animals or vehicles within, into or around the emergency area	✓	✓	✓	✓	✓
Direct any road or other public place to be closed		✓	✓		✓
Enter land, a building, structure or vehicle using reasonable force if necessary	✓	✓			
Excavate land or form tunnels	✓	✓			
Construct earthworks, erect barriers or temporary structures	✓	✓			
Turn off, disconnect or shut down any motor or equipment	✓				
Open any receptacle, or dismantle any equipment		✓			
Bring any apparatus or equipment onto land or into a building, structure or vehicle					
Direct the evacuation and/or exclusion of people	✓	✓	✓	✓	✓
Contain any animal or substance	✓	✓			
Control, use, close off or block any drainage facility	✓	✓			
Control, shut off or disconnect any supply of fuel, gas, electricity or water	✓	✓			
Take and use fuel, gas, electricity or water					
Take possession of any land, building, structure, vehicle, animal, substance or other thing	✓				✓

## EMERGENCY LAW

Require the owner of property to make it available, to take possession of and use any private property	✓	✓		✓	
Remove, dismantle, demolish or destroy any building, or structure or vehicle within the emergency area	✓				
Remove or secure any vehicle, vessel or boat					
Shore up any wall or premises that are insecure					
Remove or destroy any animal, substance or vegetation	✓				
Maintain, restore, or prevent disruption of, essential services		✓			
Require any person to assist	✓				

1. *Emergency Management Act 2004 (SA) s 25.*
2. *Emergency Management Act 2006 (Tas) ss 40-45 and Schedules 1 and 2.*
3. *Emergency Management Act 1986 (Vic).* This Act provides for an area to be declared an Emergency Area and for a State of Disaster to be declared. The first column for Victoria shows the powers a police officer may exercise in an Emergency Area (s 36B). The second column for Victoria shows the powers the Minister may exercise in a State of Disaster (s 24).
4. *Emergency Management Act 2005 (WA) ss 65-69.* These powers may be exercised by a hazard management officer or an authorised officer.