

EXPLANATORY STATEMENT

Jervis Bay Territory Acceptance Act 1915
Jervis Bay Territory Emergency Management Ordinance 2015

Declaration in relation to emergency/emergency operation (Jervis Bay Territory)

The *Jervis Bay Territory Emergency Management Ordinance 2015* (the Ordinance) was made pursuant to Section 4F(1) of the *Jervis Bay Territory Acceptance Act 1915* which provides that the Governor-General may make Ordinances for the peace, order and good government of the Jervis Bay Territory (Territory).

Section 31(1) of the Ordinance enables the Minister with responsibilities for the Territory to direct that Part 4 of the Ordinance apply to an emergency operation in the Territory. The objective of Part 4 is to provide protection for volunteer emergency workers who are absent from their place of employment in order to respond to emergencies.

The Minister has delegated the power, to provide protection for volunteer emergency workers, to specific official positions within the Australian Government having responsibility for the administration of the territories, currently the Department of Infrastructure and Regional Development (the Department).

The signatory of this Declaration is a delegate under the *Minister's Jervis Bay Territory Emergency Management Ordinance Delegation Instrument 2016 (No. 1)* dated 27 January 2016.

The Australian Government policy objective is that services and protections in the Territory are similar to those provided in equivalent state communities in relation to emergency management and bushfire control.

The Ordinance is based on NSW legislation for two reasons: some emergency management services in the Territory are provided under contract by NSW organisations and harmonising emergency management regimes between NSW and the Territory facilitates cross-border provision of services, and ensure residents and visitors to the Territory continue to enjoy similar protections to their NSW neighbours.

This is a legislative instrument.

Consultation

Consultation was limited as the emergency operation is bushfire event threatening life, property and the natural environment.

In drafting this instrument, the Department consulted the New South Wales Rural Fire Service, the Australian Federal Police and the Jervis Bay Territory Emergency Management Committee.

Compatibility with Human Rights

This Declaration is a Legislative Instrument, compatible with the human rights and freedoms recognised or declared in the international instruments listed in Section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This Legislative Instrument does not engage any of the applicable rights or freedoms.

This Legislative Instruments is compatible with human rights, as it does not raise any human rights issues.