Legislative Assembly for the Australian Capital Territory
Standing Committee on Legal Affairs

Inquiry into the Emergencies Amendment Bill 2026

Legislative Assembly for the Australian Capital Territory
Standing Committee on Legal Affairs

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About the committee

Establishing resolution

The Assembly established the Standing Committee on Legal Affairs on 3 December 2024.

The Committee is responsible for the following areas:

- Emergency management and the Emergency Services Agency
- Policing and ACT Policing
- Corrective Services
- Attorney-General
- Consumer Affairs
- Human Rights
- Victims of Crime
- Access to justice and restorative practice
- Public Trustee and Guardian

You can read the full establishing resolution on our website.

Committee members

Ms Chiaka Barry MLA, Chair

Mr Taimus Werner-Gibbings MLA, Deputy Chair

Ms Rebecca Vassarotti MLA

Secretariat

Ms Angela Lee, Committee Secretary

Mr Adam Walker, Assistant Secretary

Ms Kate Mickelson, Assistant Secretary

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About this inquiry

The Emergencies Amendment Bill 2026 was presented in the Assembly on 11 June 2026 and referred to the Standing Committee on Legal Affairs. Standing order 174 refers all bills presented to the Assembly to the relevant standing committee for inquiry. A Committee has three weeks from the date of presentation, or one week after the tabling of the relevant scrutiny report, whichever is later, to advise the Speaker on whether it will undertake an inquiry.

If the Committee does decide to undertake an inquiry, it must report within three months from the date of presentation of the bill, with the exception of bills presented in the last sitting period of a calendar year, in which case the Committee has four months to inquire and report.

The Committee decided to inquire into the bill on 17 June 2026. The reporting date was 10 September 2026.

Committees may seek an extension from the Assembly to the reporting date of a bill inquiry. The Committee sought and was granted an extension for this inquiry on 12 June 2026, with the new reporting date being 21 October 2026.

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
The Act	*Emergencies Act 2004*
BFC	Bush Fire Council
The bill	Emergencies Amendment Bill 2026
COAG	Council of Australian Governments
ESA	Emergency Services Agency
MLA	Member of the Legislative Assembly

Legislation Terminology

A bill contains clauses, subclauses, paragraphs, and subparagraphs. In footnotes, these are abbreviated to ‘cl’, ‘subcl’, ‘para’, and ‘subpara’. Upon enactment, clauses and subclauses become sections and subsections. In footnotes, these are abbreviated to ‘s’ and ‘subs’.

Recommendations

Recommendation 1

The Committee recommends that the Assembly does not pass the bill.

1. Introduction

Conduct of the inquiry

1.1. On 17 June 2026, the Committee resolved to conduct an inquiry into the Emergencies Amendment Bill 2026 and called for submissions.

1.2. Submissions closed on 31 July 2026, and the Committee received seven submissions, which were published on the inquiry webpage and are listed at **Appendix A**.

1.3. On 14 October 2026, the Committee met to consider the Chair's draft report, which was adopted for tabling on 21 October 2026.

Background

1.4. The Emergencies Amendment Bill 2026 was presented in the ACT Legislative Assembly on 11 June 2026 by the Minister for Police, Fire and Emergency Services, Dr Marisa Paterson MLA.

1.5. The Explanatory Statement describes the bill as part of the ACT Government's shift toward 'adaptive, flexible and forward-looking governance that can evolve in response to emerging risks, climate change, and contemporary resilience frameworks.' It also states that the reforms reflect the Government's commitment to modernising emergency management governance and supporting implementation of the Strategic Bushfire Management Plan and ACT Disaster Resilience Strategy. [1]

1.6. The ACT Government's submission to the inquiry identifies fixed legislative requirements governing membership, functions and processes as limiting the capacity of advisory arrangements to incorporate emerging expertise and adapt as circumstances change. [2]

1.7. In particular, the Explanatory Statement identifies limitations in the current Multi-Hazards Advisory Council (MHAC) model, noting that it does not have a direct role in managing natural hazards or advising on operation matters and that its membership is not required to include particular expertise in environmental protection or risk management, or Aboriginal and Torres Strait Islander cultural representation. It further notes that the MHAC's advisory role is complemented by other government mechanisms. These include annual reporting on natural hazard mitigation and preparedness to the Security and Emergency Management Committee of Cabinet, the Minister's statement of preparedness to the Legislative Assembly, and appearances by the Emergency Services Agency (ESA) Commissioner and Chief Officers before relevant Assembly committees. [3]

1.8. The ACT Government notes in its submission that moving to a non-statutory model would ensure that its 'advisory arrangements remain fit-for-purpose and capable of evolving over time.' [4]

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[1] Emergencies Amendment Bill 2026, *Explanatory Statement,* p 1.
[2] ACT Government, *Submission 6*, p 5.
[3] Emergencies Amendment Bill 2026, *Explanatory Statement,* pp 2–3.
[4] ACT Government, *Submission 6*, p 7.

Consultation

1.9. In the development of the bill and its proposed reforms, the ACT Government consulted with senior officials, including statutory office holders, with responsibilities under the *Emergencies Act 2004* as related to the MHAC.[5]

[5] Emergencies Amendment Bill 2026, *Explanatory Statement,* p 1.

2. Summary of bill provisions

Amendments proposed by the bill

2.1. The bill would repeal the provisions of the *Emergencies Act 2004* (the Act) that establish and govern the Multi-Hazards Advisory Council (MHAC), and other provisions relating to the MHAC. This includes removing the requirement that the ACT Emergency Services Commissioner or the Minister consult the MHAC before undertaking certain functions.[6]

2.2. The bill would also repeal all instruments made under section 129 of the Act regarding the appointment of the MHAC members, and make two consequential amendments to the *Territory Records Regulation 2009*.

2.3. The bill does not establish a replacement statutory advisory body. Instead, the ACT Government suggests the removal of the MHAC would enable the Minister to establish two new non-statutory advisory bodies to inform implementation of the Strategic Bushfire Management Plan and the ACT Disaster Resilience Strategy.[7]

[6] Emergencies Amendment Bill 2026, *Explanatory Statement,* p 1.
[7] Emergencies Amendment Bill 2026, *Explanatory Statement,* p 3; ACT Government, *Submission 6*, p 6.

3. Issues raised in evidence

Support for the bill

3.1. The ACT Government was the only submitter to express support for the bill. It considered that replacing the statutory Multi-Hazards Advisory Council (MHAC) with non-statutory advisory arrangements would modernise emergency management governance and provide a more flexible and responsive model for obtaining expert advice. [8]

3.2. The ACT Government noted that the existing model constrained the ability to adapt advisory arrangements and access to emerging expertise:

> The Council's membership, functions and governance arrangements continue to be prescribed in legislation, limiting the Government's ability to adapt advisory structures, access emerging expertise and realign priorities in response to changing risks and community expectations without further legislative amendment. [9]

3.3. The ACT Government indicated that moving to non-statutory arrangements would enable more 'relevant and timely advice', and:

> …allow for the integration of scientific, ecological, cultural and community knowledge, improving both the quality and relevance of advice. This contributes to more effective mitigation strategies and better preparedness outcomes. [10]

3.4. More broadly, the ACT Government stated that the proposed reforms were a 'deliberate and considered evolution,' and explained that they aligned with emerging practices across Australia and internationally, where 'jurisdictions are increasingly adopting flexible advisory models to respond to complex and evolving risks.' [11]

Opposition and concerns with the bill

3.5. All submitters, other than the ACT Government, opposed the bill or raised concerns about aspects of the bill. Key themes related to the loss of independent advice and oversight as a result of the removal of the MHAC, the need to retain bushfire-specific expertise and local knowledge, increasing natural hazard risks, and the inadequate consultation and review undertaken before proposing the new model.

Loss of oversight and accountability

3.6. A key concern raised by submitters was that abolishing the statutory MHAC would weaken independent oversight and accountability in the ACT's emergency management arrangements.

3.7. Gregor Manson argued in his submission that independent expert oversight was an important lesson arising from the 2003 Canberra bushfires. He noted that the *Emergencies*

[8] ACT Government, *Submission 6*, pp 4–7.
[9] ACT Government, *Submission 6*, p 5.
[10] ACT Government, *Submission 6*, p 6.
[11] ACT Government, *Submission 6*, p 7.

Act 2004 established several checks and balances that 'cut across all risks', providing for appropriate review and supporting preparedness for all kinds of emergencies. He argued that the proposed amendments would 'effectively cease those checks and cease independent review and advice to Minister.' [12]

3.8. Mr Manson argued that, while ad hoc advisory bodies could assist in relation to particular risks, oversight of major risks should remain legislated:

> An agency can implement an ad hoc advisory committee anytime to assist its development and management of specific risks. However the key major risk oversight must be legislated. This allows the Minister to be independently assured/advised by an expert panel without vested interests. Occasionally senior public servants miss the key requirements of implementing legislation – Our emergency services can avoid this by having statutory expert panel oversight and direct Ministerial reporting. This is a win win providing expert advice to the ESA and checks and balances to the Assembly/Community. [13]

3.9. Drawing on his involvement in drafting the *Emergencies Act 2004,* Major General Peter Dunn AO (Retd) similarly noted the purpose of the statutory arrangements following the Canberra bushfires, which were intended to preserve lessons from that event. Major General Dunn stated:

> For these climate change-driven reasons, emergency responses must be whole-of-Government, and the mechanisms to ensure this must be enshrined in legislation. The MHAC is one such mechanism. If changes are to be made, I recommend expanding the MHAC rather than removing it. A single person is not in a position to provide the necessary advice to the ACT Government to ensure the community is adequately protected against the impacts of extreme climate events, not just bushfires. [14]

3.10. Similar concerns were raised by Neil Cooper, although he favoured a return to the independent Bush Fire Council (BFC), stating:

> …nothing will ever be as robust as a group of nationally recognised experts sitting on a statutory body providing independent, high level, uncompromised advice direct to the minister responsible. [15]

3.11. Notwithstanding his support for reviewing the MHAC and potentially returning to a BFC model, Neil Cooper considered that independent statutory oversight should be retained under any future arrangement. He emphasised the value of a body capable of providing 'frank, open and fearless advice' to relevant Ministers and the community on bushfire policy. [16]

3.12. Dr Tony Bartlett AFSM attributed the apparent shortcomings of the MHAC to declining Government engagement and administrative support, rather than the statutory model, stating:

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[12] Gregor Manson, *Submission 1*, p 1.
[13] Gregor Manson, *Submission 1*, p 1.
[14] Major General Peter Dunn, AO (Retd), *Submission 7*, pp 1–2.
[15] Neil Cooper, *Submission 2*, p 4.
[16] Neil Cooper, *Submission 2*, p 2.

> In my view, the real issue is that, since the 2020 bushfires, most of the relevant senior officials have not shown any real willingness to work in a collaborative way with the Multi-Hazard Advisory Council (MHAC) and have avoided providing the Council with any clear advice on priority tasks. Over the four-year period from 2021 to 2025, departmental officials provided very few agenda papers on substantive issues for council meetings and decreased the level of administrative support to the Council.[17]

3.13. Dr Bartlett in particular highlighted MHAC's role in monitoring the scope and effectiveness of the Strategic Bushfire Management Plan:

> The role performed by the Advisory Council does not in any way duplicate any other monitoring and reporting processes that exist in relation to the Strategic Bushfire Management Plan. This is because it is the only independent monitoring process and it is undertaken at a far greater level of detail than any of the other reporting processes, such as the statements in the departmental annual reports.[18]

3.14. Dr Bartlett also stressed the relationship between independent advice and public accountability, noting:

> It is vital that an appropriate Advisory Council still has the powers to provide such advice and for that advice to be made publicly available along with government responses to that advice.[19]

3.15. Stephen Angus AFSM similarly argued that independent oversight was necessary to provide accountability across the agencies responsible for bushfire management in the ACT. He called for a 'fully independent body' comprising relevant stakeholders with 'skin in the game,' whose existence and resourcing would be 'enshrined in the relevant legislation'.[20]

Bushfire-specific expertise and local knowledge

3.16. A related concern raised by submitters was whether the proposed advisory arrangements would retain sufficient bushfire-specific expertise, local knowledge and continuity of experience to effectively advise the Government on bushfire management.[21]

3.17. Forestry Australia in its submission considered that the risks and challenges associated with bushfires warranted dedicated expertise, suggesting that:

> A better solution might be to differentiate bushfire hazards from the wider range of natural hazards, and return to a model that provided bushfire-specific advice to the Commissioner and Minister about those elements of their responsibilities.[22]

3.18. Dr Bartlett similarly questioned whether ad hoc advisory arrangements would provide the adequate expertise and knowledge to advise on complex bushfire management matters, stating:

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[17] Dr Tony Bartlett AFSM, *Submission 3*, p 2.
[18] Dr Tony Bartlett AFSM, *Submission 3*, p 11.
[19] Dr Tony Bartlett AFSM, *Submission 3*, p. 3.
[20] Stephen Angus, *Submission 5*, p 1.
[21] See, for example: Neil Cooper, *Submission* 2, p 3; Peter Kanowski, Co-Chair, Forestry Australia, *Submission 4*, p 2; Dr Tony Bartlett, *Submission 3*, p 10; Major General Peter Dunn AO (Retd), *Submission 7,* pp 1–3.
[22] Peter Kanowski, Co-Chair, Forestry Australia, *Submission 4*, p 2.

> To be effective and have sufficient understanding of complex issues such as bushfire management, the members of an advisory body need relevant subject expertise as well as a detailed understanding of how bushfire management and the implementation of particular strategies are being undertaken. That can only be gained through regular meetings over a number of years – not just by bringing people together for a short period to develop specific advice on one issue.

3.19. Major General Dunn also stressed the importance of local and community knowledge in responding to natural hazards, drawing on the lessons of the 2003 Canberra bushfires to note that:

> Local knowledge was a critical element of any response and needed to be legislated so that it would always be taken into account during response operations. The legislation that emerged attempted to make those lessons permanent … by recognising the important role of rural fire brigade captains and the local knowledge they embodied and drew from the members of their brigades. [23]

Increasing natural hazard and bushfire risk

3.20. Submitters further argued that the need for specialist advice and expertise should be considered in the context of the increasing frequency and severity of bushfires and other natural hazards, particularly as a result of climate change.

3.21. For instance, Forestry Australia noted:

> The proposed Amendment seems paradoxical in the light of the widely-accepted trajectory of bushfire risk in South-Eastern Australia, of a higher frequency of extreme and catastrophic fire risk days, and a concomitant increase in the likely frequency and severity of bushfires. [24]

3.22. Forestry Australia drew upon the *2004 COAG National Inquiry on Bushfire Mitigation and Management* and what was identified as the 'bushfire cycle', a common progression from a major bushfire event to 'forgetting and complacency', in both governments and the community. Forestry Australia considered that the proposed amendments appeared consistent with this pattern. [25]

3.23. Dr Bartlett similarly pointed to the ACT's history of significant bushfires and the increasing risks associated with climate change, stating:

> The ACT does have a substantial history of severe bushfires and I therefore contend that it would be foolhardy to do away with the legislative requirement for community advice on bushfire management. [26]

[23] Major General Peter Dunn AO (Retd), *Submission 7,* p 1.
[24] Peter Kanowski, Co-Chair, Forestry Australia, *Submission 4*, p 1.
[25] Peter Kanowski, Co-Chair, Forestry Australia, *Submission 4*, pp 1–2.
[26] Dr Tony Bartlett, *Submission 3*, p 8.

Adequacy of review and consultation

3.24. While acknowledging shortcomings in the existing arrangements, some submissions questioned whether the decision to abolish the MHAC had been preceded by sufficient review and consultation. Neil Cooper stated:

> I would fully support an independent, external review be commenced to delve deeply into the current MHAC system to determine what is working and what needs changing before deciding on its future. [27]

3.25. Mr Cooper also questioned how a decision on the future of the statutory advisory body could be made 'in the absence of any opportunity for public input, comment, or advice', warning against 'throwing the baby out with the bath water'. [28]

3.26. Dr Tony Bartlett articulated similar views:

> I don't believe there has been an appropriate analysis of the history of the advisory council, the value of the advice that it has provided or whether there is, or isn't, an ongoing need for independent advice on bushfire management. Neither does there appear to be a substantive report that forms the basis of the five-yearly review of the Emergencies Act, which in the past has been used to inform decisions about proposed legislative changes. [29]

3.27. Dr Bartlett therefore recommended that any proposed changes be deferred until there had been a 'thorough independent review of the current legislative arrangements and wider consultation with the community.' [30] As noted previously, Dr Bartlett attributed shortcomings in MHAC's operation to declining Government engagement and administrative support, rather than the statutory model itself, and therefore argued that these factors should be examined as part of a review. [31]

Committee comment

3.28. The Committee acknowledges the ACT Government's objective of establishing more flexible and responsive advisory arrangements. However, the Committee is not persuaded that this objective requires the removal of statutory independent oversight from the ACT's emergency management framework.

3.29. The Committee considers that the evidence received demonstrates the continuing value of independent expert advice, particularly in relation to bushfire management. The MHAC provides important safeguards for reporting, accountability, and community input, while also supporting the retention of specialist expertise, local knowledge and continuity of experience. This is particularly important given the ACT's experience of significant bushfires and the increasing and continuing risks posed by climate change.

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[27] Neil Cooper, *Submission 2*, p 3.
[28] Neil Cooper, *Submission 2*, p 3.
[29] Dr Tony Bartlett, *Submission 3*, p 1.
[30] Dr Tony Bartlett, *Submission 3*, p 14.
[31] Dr Tony Bartlett, *Submission 3*, pp 3–4.

3.30. The Committee is also not satisfied that the case for abolishing the MHAC has been sufficiently established. While the evidence identified shortcomings in the operation of the current arrangements, it also raised legitimate questions about the causes for those shortcomings. The Committee considers that these matters should be examined before the statutory model is amended or removed.

3.31. The potential consequences of removing statutory independent oversight are significant and further review and consultation should occur before any such reform proceeds. Accordingly, the Committee does not support the bill in its current form.

4. Conclusion

4.1. Based on the evidence received, and the analysis outlined above, the Committee does not consider that a sufficient case has been made for abolishing the statutory MHAC. In particular, the Committee is concerned about the potential loss of independent oversight and specialist expertise, and is not satisfied that the existing arrangements are unable to deliver the flexible and responsive model for obtaining expert advice desired by the Government. It is the Committee's view that alternatives to the proposed abolition of the MHAC have not been sufficiently reviewed and consulted upon.

4.2. As such, the Committee makes one recommendation in relation to the Emergencies Amendment Bill 2026.

Recommendation 1

The Committee recommends that the Assembly does not pass the bill.

4.3. The Committee would like to thank all those who submitted to the inquiry.

Ms Chiaka Barry
Chair
14 October 2026

Appendix A: Submissions

No.	Submission by	Received	Published
1	Gregor Manson	30/07/2026	05/08/2026
2	Neil Cooper	30/07/2026	05/08/2026
3	Dr. Tony Bartlett AFSM	30/07/2026	05/08/2026
4	Forestry Australia	30/07/2026	05/08/2026
5	Steven Angus AFSM	31/07/2026	05/08/2026
6	ACT Government	03/07/2026	13/08/2026
7	Major General Peter Dunn AO (Retd)	09/08/2026	13/08/2026