

Queensland



STATE COUNTER-DISASTER ORGANISATION ACT 1975

**Reprinted as in force on 2 February 1996
(includes amendments up to Act No 55 of 1995)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 2 February 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use gender neutral office names (s 25)
- correct spelling and use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37 and 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

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STATE COUNTER-DISASTER ORGANISATION ACT 1975

[as amended by all amendments that commenced on or before 2 February 1996]

An Act to provide for the establishment of a State counterdisaster organisation and a State Emergency Service and their powers, authorities, functions and duties and for matters incidental to and consequent upon their establishment

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *State Counter-Disaster Organisation Act 1975*.

Relationship with other laws

4. Where a provision of this Act is inconsistent with a provision of any other Act, the provision of this Act shall prevail.

Limitation of operation

5. This Act does not authorise the taking of measures amounting to or making preparations for—

- (a) actual combat against an enemy;
- (b) the putting down of a riot or other civil disturbance;
- (c) the bringing to an end of a strike or lock-out.

Definitions

6. In this Act—

“**approved form**” see section 37.¹

“**authorised person**” means a person authorised to act by the chairperson or by a disaster district coordinator.

“**boat**” means any type of ship or other vessel used in navigation by water or for another purpose on water, and includes a ship or other vessel of whatever size and however it is propelled or moved.

“**body**” means a body corporate or unincorporate and includes a government department, instrumentality or agency, public authority or local government.

“**chairperson**” means the chairperson of the central control group established under this Act.

“**combined local governments**” means local governments that have united with one another for counterdisaster purposes.

“**counterdisaster**” means the planning, organisation, coordination or implementation of measures that are necessary or desirable to prevent, minimise or overcome the effects of a disaster upon members of the public or any property in the State, and includes the conduct of or participation in training for those purposes, and also civil defence measures necessary to combat the effects of enemy attack or hostilities.

“**director**” means an officer of the department nominated by the chief executive as the executive director (counterdisaster services).

“**disaster**” means—

- (a) a flood, earthquake, seismic sea wave, cyclone, storm, tornado, eruption or other natural happening;
- (b) any explosion, fire, oil spill or accident of any kind;
- (c) any infestation, plague or epidemic;
- (d) an attack directed against the State whether or not made by an enemy and whether by bombs or missiles or by atomic, chemical or other means, that causes or threatens to cause loss of life or

¹ Section 37 (Approval of forms)

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property or injury to persons or property or distress to persons or that in any way endangers the safety of the public in the State or any part thereof.

“disaster district” means a portion of the State declared to be a disaster district under this Act.

“disaster district coordinator” means a disaster district coordinator appointed under this Act.

“emergency related function” see section 14(3).

“local controller” means the controller of a local emergency service appointed under this Act.

“local emergency service” means an emergency service established and maintained under this Act by a local government within its area or by combined local governments within their combined areas.

“organisation” means the State counterdisaster organisation constituted under this Act.

“region” means any part of a disaster district or any disaster district or any 2 or more disaster districts declared to be a region under this Act.

“resources” includes food, manpower, any horse or other animal, vehicle, aircraft, plant, apparatus, implement, earthmoving equipment, construction equipment or other equipment of any kind or any means of supplying a want or need.

“SES” means the State Emergency Service.

“SES member” means a person in the SES.

“SES vehicle” means a vehicle of the SES.

“statutory service” means a body that is constituted by or under an Act of the State or of the Commonwealth and whose role usually includes counterdisaster operations.

“vehicle” includes a boat.

Crown bound

7. This Act binds the Crown.

PART 2—ADMINISTRATION

Administration of Act

8. This Act shall be administered by the Minister and subject to the Minister's control and direction by the director and other officers appointed pursuant to this Act.

State counterdisaster organisation

9.(1) There is established and there shall at all times hereafter be constituted a body called the State Counter-Disaster Organization.

(2) The organisation consists of—

- (a) the members of the central control group; and
- (b) any other persons appointed by the Governor in Council.

Functions of organisation

10. The functions of the organisation are—

- (a) to coordinate the resources necessary to ensure that all steps are taken to plan for and counter the effects of a disaster;
- (b) to give advice and assistance to the Minister on all matters with respect to counterdisaster.

Business of organisation

11. The organisation shall meet as often as is necessary for the due administration of this Act and the performance of its functions at such times and places as it thinks fit and shall conduct its business in the way it determines from time to time.

Central control group

12.(1) For the purposes of carrying out the functions of the organisation there is established and there shall at all times hereafter be constituted a central control group consisting of persons appointed by the Governor in

Council.

(1A) The Governor in Council must appoint—

- (a) a member of the group to be chairperson of the group; and
- (b) another member of the group to be the executive officer of the group.

(2) The Minister may, in consultation with the Minister in charge of any department of the Government of the State or statutory corporation, appoint as a member of the central control group for such period as the Minister thinks fit the permanent head of that department or statutory corporation, whether or not that permanent head is a member of the organisation.

(3) The chairperson shall preside at all meetings or consultations among members of the central control group at which the chairperson is present and in the chairperson's absence from any cause another member thereof appointed as prescribed under a regulation shall preside and while so presiding shall have the powers, authorities, functions, duties and immunities of the chairperson.

(4) If any member is unable from any cause to attend a meeting or consultation among members of the central control group, the member may authorise any other officer of the member's department to attend the meeting or participate in the consultation in the member's stead and while so attending or participating that other officer shall be deemed for all purposes to be a member of the central control group save that the other officer shall not be entitled to be chairperson of that meeting or for the purposes of that consultation.

(5) The central control group shall meet as often as is necessary for the due performance of its functions at such times and places as it thinks fit and shall conduct its business in the way it determines from time to time.

State Emergency Service

13.(1) The body called the Queensland State Emergency Service established pursuant to the repealed Acts is continued in existence and established under this Act under the name State Emergency Service.

(2) The persons who at the commencement of this Act comprised the

body called the Queensland State Emergency Service shall, subject to this Act, comprise the State Emergency Service as established by this Act.

Functions of State Emergency Service

14.(1) The functions of the State Emergency Service are—

- (a) to advise and assist local governments, government departments, statutory organisations, voluntary groups and other bodies;
- (b) to educate and train members of the public (including volunteers and members of voluntary groups);
- (c) to coordinate, direct and control members of the public (including volunteers and members of voluntary groups), material and resources;

with respect to counterdisaster purposes.

(2) The SES also has the following functions—

- (a) to carry out rescue or similar operations in an emergency situation;
- (b) to carry out search operations in an emergency or other situation;
- (c) to carry out other operations in an emergency situation to—
 - (i) help injured persons; or
 - (ii) protect persons or property from danger or potential danger associated with the emergency situation.

(3) A function mentioned in subsection (2) is called an “**emergency related function**”.

Appointment of authorised officers

14A. The director may appoint SES members, or members of a class of SES members, as authorised officers.

Powers of authorised officers

14B.(1) To help the SES perform an emergency related function, an authorised officer may—

- (a) take reasonable steps—
 - (i) to protect persons trapped in a vehicle or receptacle or endangered in another way; and
 - (ii) to protect the officer or other authorised officers or persons from danger, potential danger or assault from other persons; and
- (b) if it is necessary and reasonable in the circumstances—do any of the acts mentioned in subsection (2).

(2) For subsection (1)(b), the acts an authorised officer may do are—

- (a) enter any premises or vehicle; and
- (b) open a receptacle, using force that is necessary and reasonable; and
- (c) bring any apparatus or equipment onto premises; and
- (d) remove any article or material from a place, or otherwise deal with the article or material; and
- (e) destroy (entirely or partially), or damage, any premises, vehicle or receptacle; and
- (f) ask a person to give the authorised officer reasonable help to exercise the authorised officer's powers under paragraphs (a) to (e).

(3) Without limiting subsection (1)(a)(ii), an authorised officer may direct a person not to enter, or to leave, a stated area around the site of a danger to a patient.

Powers and duties of director generally

15. In carrying out the functions of the State Emergency Service, the director—

- (a) shall establish and direct the policy of the State Emergency Service with respect to planning, organisation, equipment, training, administration and operations;
- (b) shall arrange counterdisaster education and advisory programs and disseminate information;

- (c) may appoint suitable persons to be registered volunteer members of the State Emergency Service;
- (d) may appoint suitable persons to be executive volunteer members of the State Emergency Service;
- (e) prior to, during or subsequent to the occurrence of a disaster, may appoint suitable persons to be temporary volunteer members of the State Emergency Service;
- (f) may issue to members or volunteer members of any class or kind adequate means of personal identification;
- (g) may inspect at regular intervals of time resources provided for local governments for counterdisaster purposes;
- (h) shall advise and assist the Minister and the chairperson on all matters with respect to the State Emergency Service.

Executive officer's functions

16. The executive officer of the central control group—

- (a) shall assist and advise the Minister and the chairperson on all matters with respect to counterdisaster;
- (b) shall be responsible to the chairperson for the coordination and adequacy of counterdisaster measures;
- (c) shall, prior to, during or subsequent to the occurrence of a disaster translate to action instructions the decisions of the central control group and shall ensure that those instructions are transmitted to and carried out by the bodies to whom they are directed.

Committees

17.(1) The Minister may appoint such executive committees and advisory committees as the Minister considers necessary to assist the organisation or the State Emergency Service in the efficient performance of its functions or in the achievement of its objects and purposes.

- (2)** A committee shall comprise prescribed persons.

Declaration of regions

18. The Governor in Council may, by gazette notice—

- (a) divide a disaster district into 2 or more parts and declare each part to be a region for the purposes of this Act;
- (b) declare a disaster district or any 2 or more disaster districts to be a region for the purposes of this Act;
- (c) vary any region declared pursuant to paragraph (b) by excluding therefrom or including therein any disaster district.

Disaster districts

20.(1) The Governor in Council may by gazette notice constitute any portion of the State a disaster district for the purposes of this Act and assign to that district a name and may in like manner—

- (a) include in a disaster district any portion of the State that is not included in a disaster district;
- (b) abolish a disaster district or districts and join such district or districts or join parts of such district or districts with another district or districts;
- (c) alter the boundaries of disaster districts by including in one district any part or parts of other districts and by excluding such part or parts from such other district or districts;
- (d) divide a disaster district into 2 or more disaster districts;
- (e) alter the name of a disaster district.

(2) A disaster district constituted pursuant to this section may comprise the whole or any division or part of the area of a local government or the whole or any divisions or parts of the areas of 2 or more local governments.

Disaster district control groups

21.(1) There is established and there shall at all times hereafter be constituted in respect of each disaster district a disaster district control group comprising a disaster district coordinator appointed by the Governor in Council who shall be chairperson and such other members as are prescribed

under a regulation, appointed as prescribed.

(2) The functions of a disaster district control group are—

- (a) to make counterdisaster plans for its disaster district and review them from time to time and submit plans and reviewed plans to the central control group;
- (b) to keep and maintain up to date standing orders for counterdisaster purposes within its disaster district;
- (c) such other functions as are prescribed under a regulation.

(3) A disaster district control group shall meet as often as is necessary for the due performance of its functions at such times and places as it thinks fit and shall conduct its business in the manner prescribed under a regulation or, so as far as not prescribed, as it determines from time to time.

(4) A disaster district coordinator shall have and may exercise such powers and perform such functions and duties as are prescribed under a regulation or so far as not prescribed as the Minister determines.

Delegations

22.(1) The Minister may delegate the Minister's powers under this Act to an officer or employee of the public service.

(2) The chairperson may delegate the chairperson's powers under this Act to an officer or employee of the public service.

(3) The director may delegate the director's powers under this Act to an officer or employee of the public service.

(4) A disaster district coordinator for a disaster district control group may delegate the coordinator's powers under this Act to another member of the group.

PART 3—DECLARATION OF STATE OF DISASTER

Power of disaster district coordinator to declare state of disaster

23.(1) If at any time it appears to a disaster district coordinator that the magnitude or threatened magnitude of a disaster or impending disaster is or is likely to be so great in extent or severity in the coordinator's disaster district that the counterdisaster measures necessary or desirable in respect of the disaster are or are likely to be beyond the capacity of the statutory services, the coordinator may, after consultation with the disaster district control group for that district and with the approval of the Minister, declare that a state of disaster exists in respect of that district.

(2) A declaration of a state of disaster made pursuant to this section—

- (a) shall be in the approved form;
- (b) shall come into force immediately it is signed;
- (c) shall continue in force for 3 days from and including the date the declaration was made unless sooner revoked by a regulation.

(3) The duration of a state of disaster declared in a declaration and pursuant to this section may be extended by regulations for such periods not exceeding in each case 14 days as are stated in the regulations.

Power of Governor in Council to declare state of disaster

24.(1) If any time it is made to appear to the Governor in Council that the magnitude or threatened magnitude of a disaster or impending disaster is or is likely to be so great in extent or severity that the counterdisaster measures necessary or desirable with respect to the disaster are beyond the resources of a disaster district coordinator, the Governor in Council may, by regulation, declare that a state of disaster exists in respect of any disaster district or districts or of the whole state.

(2) A declaration of a state of disaster made pursuant to this section—

- (a) comes into force when the regulation is made; and
- (b) continues in force for 14 days from the date the regulation is made, unless sooner revoked.

(2A) The duration of a state of disaster declared in a declaration pursuant

to this section may be extended by regulations for such periods not exceeding in each case 14 days as are stated in the regulations.

(3) The Governor in Council by regulation—

- (a) may at any time revoke a declaration made pursuant to this section or section 23;
- (b) may extend for periods not exceeding in each case 14 days the duration of a state of disaster declared in a declaration pursuant to this section or section 23.

Powers upon declaration of state of disaster

25.(1) Upon a declaration of a state of disaster pursuant to section 23 or 24—

- (a) the chairperson—
 - (i) shall institute such measures as are in accordance with the disaster contingency plans, directions and orders of the central control group;
 - (ii) may direct that the resources of the government of the State and other resources that the chairperson considers necessary to relieve the effect of the disaster be made available;
 - (iii) may take such other action as the chairperson considers appropriate to counter the effects of the disaster;
 - (iv) may authorise the expenditure of such sums of money as are determined by the government of the State to relieve personal distress and assist in counterdisaster measures;
 - (v) may, if it appears to the chairperson that resources of the Commonwealth or of another State are necessary to make better provision for the relief of the effects of the disaster, with the approval of the Minister, request aid in accordance with procedures prescribed under a regulation;
- (b) a disaster district coordinator—
 - (i) shall take immediate action to use, direct and coordinate all available resources within the coordinator's disaster district to counter the effects of the disaster;

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- (ii) shall, immediately they become available, use, direct and coordinate all additional resources that may be allocated or in respect of which arrangements have been made for allocation by the central control group;
 - (iii) shall take such other measures as are provided for in contingency plans and standing orders.
- (2) Upon a declaration of a state of disaster pursuant to section 23 or 24—
- (a) the chairperson or a disaster district coordinator, if he or she is of opinion that such action is necessary for the preservation of human life and without any authority other than this provision—
 - (i) may require the owner or the person for the time being in charge of any resources to surrender them and place them under the control and direction of any authorised person involved in counterdisaster operations;
 - (ii) may direct the evacuation and exclusion of persons from any place and in the exercise of those powers may remove or cause to be removed a person who does not comply with a direction to evacuate or a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given;
 - (b) a disaster district coordinator, local controller, police officer or an authorised person involved in counterdisaster operations without any authority other than this provision—
 - (i) may enter (by force if necessary) any place where he or she believes on reasonable grounds it is necessary so to do for the saving of human life or the prevention of injury to persons or for the rescue of injured or endangered persons or for facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress;
 - (ii) may, if in his or her opinion it is necessary so to do for the conduct of counterdisaster operations, close to traffic any road, street, motorway, private street, private way, service lane, right of way or access way or other way or close any public place;

(iii) may remove from any place a vehicle that is impeding counterdisaster operations and to facilitate its removal may use such force as is reasonably necessary or break into that vehicle.

(3) The powers conferred upon the chairperson or a disaster district coordinator by subsection (2)(a)(ii) may be exercised also by a local controller, police officer or an authorised person involved in counterdisaster operations.

(4) A person who suffers loss or damage to the person's property by reason of the exercise of the powers conferred by subsection (2)(a)(i) and subsection (2)(b)(iii) shall be entitled to claim in the manner prescribed compensation for such loss or damage.

(5) A claim for compensation shall be made to the Minister whose decision thereon shall be final and conclusive.

PART 4—POWERS AND DUTIES OF LOCAL GOVERNMENTS

Duties as to counterdisaster measures

26.(1) Save where the local government has united with 1 or more than 1 other local government for counterdisaster purposes under subsection (2), each local government—

- (a) shall prepare a local counterdisaster plan to deal with all counterdisaster measures within its area;
- (b) shall establish and at all times maintain within its area a local emergency service based upon the resources of the local government and including members of the State Emergency Service, volunteers and members of voluntary groups all of whom shall be resident in that area, with such advisory committees, units and services as the Minister considers necessary or desirable;
- (c) shall use, as prescribed under a regulation or so far as not

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prescribed as the Minister determines, for counterdisaster purposes its resources and resources made available to it for those purposes.

(2) A local government may, by agreement and with the approval of the Minister, unite with 1 or more than 1 other local government for the purpose of arranging and carrying out counterdisaster measures in the combined areas of the local governments that are parties to the agreement.

(3) Where 2 or more local governments have united for counterdisaster purposes under this section, they—

- (a) shall prepare a joint counterdisaster plan to deal with all counterdisaster measures within the combined areas;
- (b) shall establish and at all times maintain within their combined areas a local emergency service based upon the resources of the combined local governments and including members of the State Emergency Service, volunteers and members of voluntary groups all of whom shall be resident within those areas, with such committees, units and services as the Minister considers necessary or desirable;
- (c) shall use, as prescribed under a regulation or so far as not prescribed as the Minister determines, for counterdisaster purposes the resources of the combined local governments and resources made available to them for those purposes.

(4) Every counterdisaster plan prepared in accordance with this section shall be furnished by the local government or, as the case requires, combined local governments to the appropriate disaster district coordinator for approval and shall upon approval form part of the disaster district plans of the organisation.

(4A) The procedure to be followed by a disaster district coordinator upon receipt by him of a plan furnished pursuant to this section shall be as prescribed under a regulation.

(5) Upon the establishment of a local emergency service pursuant to this section, a local government or, as the case requires, the combined local governments shall nominate a person to be the local controller and furnish that nomination to the director for approval and appointment.

(6) A local controller shall have and may exercise such powers and

perform such functions and duties as are prescribed under a regulation or so far as not prescribed as the Minister determines.

Power to unite in contracts for counterdisaster purposes

27. Where 2 or more local governments have united for counterdisaster purposes, they may for those purposes enter into contracts (being within their several powers) between themselves or some or 1 of them on behalf of all of them on the one hand and any other person on the other hand and generally may join in any act.

Allocations to local governments

28.(1) The Minister may, out of moneys appropriated by Parliament for the purposes of this Act, allocate to a local government or combined local governments such sums and for such purposes as the Minister determines.

(2) Sums allocated pursuant to this section shall be expended for the purposes for which the allocation was made.

Warning devices and lights on vehicles

28A.(1) Warning devices or warning lights in or on an SES vehicle may be sounded or activated while the vehicle is moving only by an SES member.

(2) However, an SES member may sound the warning devices, or activate the warning lights, only if the member—

- (a) is acting in the performance of the member's functions in an emergency; and
- (b) considers it is necessary to sound the devices or activate the lights.

Exemption from tolls

28B.(1) This section applies if—

- (a) an SES member is travelling in an SES vehicle in the performance of the member's functions in an emergency; and
- (b) warning devices or warning lights in or on the vehicle are

sounding or activated.

(2) A toll is not payable for the vehicle for use of any road, bridge or vehicular ferry.

PART 5—MISCELLANEOUS

Protection from liability

29. No action or proceeding shall lie or be brought or allowed by or in favour of any person against the Crown, the Minister, a local government, combined local governments, member of the police force, the State Emergency Service or the director or other officer thereof or any other person or body acting in the execution or intended execution of this Act or in accordance with any delegation under this Act or in compliance or intended compliance with any direction given or purported to be given under this Act in respect of anything done or omitted to be done in good faith under and for the purposes of this Act.

Offences with respect to officers and other persons

30. A person shall not assault, obstruct, threaten, abuse, insult or intimidate the director, an officer or any other person in the exercise of his or her powers or the discharge of his or her functions and duties under this Act or attempt so to do.

Offences generally and penalty

31.(1) A person who contravenes or fails to comply with any provision of this Act is guilty of an offence against this Act.

(2) A person who—

- (a) fails to do that which the person is directed or required to do;
- (b) does that which the person is forbidden to do;

by a person acting under the authority of this Act commits an offence against this Act.

(3) A person who is guilty of an offence against this Act is liable to a maximum penalty of 10 penalty units.

Proceedings for offences

32. Prosecutions for offences against this Act shall be taken by way of summary proceedings under the *Justices Act 1886*.

Offences by body corporate

33.(1) Where a body corporate commits an offence against this Act each of the following persons shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly—

- (a) the managing director, manager or other governing officer, by whatever name called and every member of the governing body thereof, by whatever name called; and
- (b) every person who in Queensland manages or acts or takes part in the management, administration or government of the business in Queensland of the body corporate.

(2) This section applies so as not to limit or affect howsoever the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

Evidentiary provisions

34. In a proceeding for the purposes of this Act a certificate purporting to be signed by the director and to certify—

- (a) that a state of disaster was in existence either in the whole State or a part of the State as specified therein on a day or during a period specified therein; or
- (b) that a declaration of a state of disaster was in force on a day or during a period specified therein; or
- (c) that a delegation by the Minister, chairperson or director to a person specified therein of the exercise or performance of any power, authority, function or duty specified therein was in force on a day or during a period specified therein; or

- (d) that a delegation by the Minister, chairperson or director to a person specified therein was subject to the conditions or limitations specified therein or was not subject to any conditions or limitations other than those specified therein or was not subject to any conditions or limitations at all; or
- (e) that a person specified therein was a person authorised pursuant to this Act;

shall be evidence of the facts so certified.

Protection of employment rights

35. A person who during the period of a state of disaster declared pursuant to this Act is absent from the person's usual employment on duties in connection with counterdisaster in any capacity whatever shall not be liable for dismissal, loss of long service leave, sick leave, recreation leave or other benefits to which the person may be entitled under the industrial award applicable to the person's usual employment by reason only of the absence on those duties whether or not the person's usual employer has consented to the absence.

Compensation for personal injury

36. Every person who is a member of a local emergency service or any body acting under the authority of the organisation or the State Emergency Service shall, while the person is engaged in counterdisaster operations or participating in counterdisaster training under the control of—

- (a) a member of the organisation or a person acting under the member's authority;
- (b) the director or a person acting under the director's authority;
- (c) a member of a local emergency service or a person acting under the member's authority;

be deemed to be a worker within the meaning of the *Workers' Compensation Act 1990* and the provisions of that Act shall apply accordingly.

Approval of forms

37. The chief executive may approve forms for use under this Act.

Regulation making power

38.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may—

- (a) create offences against the regulation; and
- (b) fix a maximum penalty of a fine of 2 penalty units for an offence against the regulation.

PART 6—TRANSITIONAL PROVISIONS**Forms**

39.(1) This section applies if—

- (a) immediately before its commencement, there was a prescribed form for a matter; and
- (b) on the commencement, there is to be an approved form for the matter.

(2) Until there is an approved form for the matter, the form that was the prescribed form for the matter immediately before the commencement is taken to be the approved form for the matter.

(3) This section expires 3 months after it commences.

References to combined local authorities

40.(1) *In this Act, a reference to combined local authorities is a reference to combined local governments.*

(2) *This section expires on the date of the first reprint of the Act produced under the Reprints Act 1992.**

References to State Emergency Service

41.(1) *In this Act, a reference to the State Emergency Service is a reference to the SES.*

(2) *This section expires on the date of the first reprint of the Act produced under the Reprints Act 1992.**

* These provisions have expired and are included in this reprint for informational purposes only. They will be omitted in the next reprint.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 February 1996. Future amendments of the State Counter-Disaster Organisation Act 1975 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

State Counter-Disaster Organisation Act 1975 No. 40 (prev State Counter-Disaster Organization Act 1975)

date of assent 1 October 1975

commenced 11 December 1975 (proc pubd gaz 11 December 1975 p 1387)

as amended by—

State Counter-Disaster Organization Act Amendment Act 1978 No. 60

date of assent 29 September 1978

commenced on date of assent

Emergency Services Legislation Amendment Act 1995 No. 55 pts 1, 3

date of assent 22 November 1995

commenced on date of assent

5 List of annotations

Short title

s 1 amd 1995 No. 55 s 45

Commencement

s 2 om R1 (see RA s 37)

Arrangement

s 3 om R1 (see RA s 36)

Relationship with other laws

prov hdg amd 1995 No. 55 s 46(1)

s 4 amd 1995 No. 55 s 46(2)

Definitions

prov hdg sub 1995 No. 55 s 47(1)

s 6 def “**approved form**” ins 1995 No. 55 s 47(3)

def “**authorised person**” ins 1978 No. 60 s 2(a)

def “**boat**” ins 1995 No. 55 s 47(3)

def “**Combined Local Authorities**” om 1995 No. 55 s 47(2)

def “**combined local governments**” ins 1995 No. 55 s 47(3)

def “**director**” sub 1995 No. 55 s 47(2)–(3)

def “**disaster district controller**” om 1978 No. 60 s 2(b)

def “**disaster district coordinator**” ins 1978 No. 60 s 2(b)

def “**emergency related function**” ins 1995 No. 55 s 47(3)

def “**Local Authority**” om 1995 No. 55 s 47(2)

def “**Minister**” om 1995 No. 55 s 47(2)

def “**region**” amd 1978 No. 60 s 2(c)

def “**regional operations officer**” om 1995 No. 55 s 47(2)

def “**resources**” amd 1978 No. 60 s 2(d); 1995 No. 55 s 47(4)

def “**SES**” ins 1995 No. 55 s 47(3)

def “**SES member**” ins 1995 No. 55 s 47(3)

def “**SES vehicle**” ins 1995 No. 55 s 47(3)

def “**vehicle**” ins 1978 No. 60 s 2(e)

sub 1995 No. 55 s 47(2)–(3)

def “**vessel**” ins 1978 No. 60 s 2(e)

om 1995 No. 55 s 47(2)

State counterdisaster organisation

s 9 amd 1995 No. 55 s 48

Business of organisation

s 11 amd 1995 No. 55 s 49

Central control group

s 12 amd 1995 No. 55 s 50

State Emergency Service

s 13 amd 1995 No. 55 s 51

Functions of State Emergency Service

s 14 sub 1978 No. 60 s 3

amd 1995 No. 55 s 52

Appointment of authorised officers

s 14A ins 1995 No. 55 s 53

Powers of authorised officers

s 14B ins 1995 No. 55 s 53

Powers and duties of director generally

s 15 amd 1978 No. 60 s 4; 1995 No. 55 s 54

Executive officer's functions

prov hdg sub 1995 No. 55 s 55

s 16 amd 1995 No. 55 s 55

Declaration of regions

s 18 sub 1978 No. 60 s 5

 amd 1995 No. 55 s 56

Appointment of regional operations officer

s 19 om 1995 No. 55 s 57

Disaster districts

s 20 amd 1995 No. 55 s 58

Disaster district control groups

s 21 amd 1978 No. 60 s 6; 1995 No. 55 s 59

Delegations

s 22 sub 1995 No. 55 s 60

Power of disaster district coordinator to declare state of disaster

prov hdg amd 1978 No. 60 s 7(a)

s 23 amd 1978 No. 60 s 7(b); 1995 No. 55 s 61

Power of Governor in Council to declare state of disaster

s 24 amd 1978 No. 60 s 8; 1995 No. 55 s 62

Powers upon declaration of state of disaster

s 25 amd 1978 No. 60 s 9; 1995 No. 55 s 63

Duties as to counterdisaster measures

s 26 amd 1978 No. 60 s 10; 1995 No. 55 s 64

Warning devices and lights on vehicles

s 28A ins 1995 No. 55 s 65

Exemption from tolls

s 28B ins 1995 No. 55 s 65

Offences generally and penalty

s 31 amd 1995 No. 55 s 66

Proceedings for offences

s 32 amd 1995 No. 55 s 67

Evidentiary provisions

s 34 amd 1995 No. 55 s 68

Annual Report

s 34A ins 1978 No. 60 s 11

 om 1995 No. 55 s 69

Approval of forms

s 37 sub 1995 No. 55 s 70

Regulation making power

s 38 sub 1995 No. 55 s 70

PART 6—TRANSITIONAL PROVISIONS

pt hdg ins 1995 No. 55 s 70

Formss 39 ins 1995 No. 55 s 70
exp 22 February 1996 (see s 39(3))**References to combined local authorities**s 40 ins 1995 No. 55 s 70
exp 2 February 1996 (see s 40(2))**References to State Emergency Service**s 41 ins 1995 No. 55 s 70
exp 2 February 1996 (see s 40(2))**6 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 796(1)(a)

7 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Workers' Compensation Act 1916	Workers' Compensation Act 1990	Workers' Compensation Act 1990 s 206

8 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references to a State	Acts Interpretation Act 1954 s 36 def "State"
references to a Territory	Acts Interpretation Act 1954 s 36 def "Territory"

9 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
17, 1st sentence	17(1)
17, 2nd sentence	17(2)
24(2)(a)	24(2)
24(2)(a)(i)	24(2)(a)
24(2)(a)(ii)	24(2)(b)
24(2)(b)	24(2A)
25(4), 2nd sentence	25(5)
26(4), 2nd sentence	26(4A)
26(5), 2nd sentence	26(6)