



Queensland

# **Disaster Management and Other Legislation Amendment Act 2010**

**Act No. 40 of 2010**





Queensland

# Disaster Management and Other Legislation Amendment Act 2010

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	6
2	Commencement . . . . .	6
<b>Part 2</b>	<b>Amendment of Disaster Management Act 2003</b>	
3	Act amended in pt 2 and schedule . . . . .	6
4	Insertion of new s 4A . . . . .	6
	4A Guiding principles . . . . .	6
5	Insertion of new pt 1, div 4A . . . . .	8
	Division 4A Functions of chief executive	
	16A Functions of chief executive . . . . .	8
6	Amendment of s 18 (Functions) . . . . .	9
7	Replacement of s 19 (Membership) . . . . .	9
	19 Membership . . . . .	9
8	Amendment of s 20 (Chairperson and deputy chairperson) . . . .	10
9	Insertion of new s 20A . . . . .	10
	20A Functions of chairperson of State group . . . . .	10
10	Replacement of s 21 (Functions of executive officer of State group) . . . . .	11
	21 Commissioner of police service to appoint executive officer of the State group . . . . .	11
	21A Executive officer to provide support . . . . .	11
	21B State disaster coordinator . . . . .	11
	21C Functions of State disaster coordinator . . . . .	12
	21D State recovery coordinator . . . . .	13
	21E Functions of State recovery coordinator . . . . .	13
11	Amendment of s 24 (Membership) . . . . .	14

Contents

---

12	Replacement of s 25 (District disaster coordinator and deputy chairperson) . . . . .	14
	25 Chairperson and deputy chairperson . . . . .	14
	25A District disaster coordinator . . . . .	14
13	Replacement of s 26 (Functions of district disaster coordinator) .	15
	26 Functions of chairperson of district group . . . . .	15
	26A Function of district disaster coordinator . . . . .	15
14	Amendment of s 27 (Executive officer of district group) . . . . .	15
15	Replacement of s 28 (Functions of executive officer of district group) . . . . .	16
	28 Functions of executive officer of district group . . . . .	16
16	Insertion of new pt 2, div 2, sdiv 3 . . . . .	16
	Subdivision 3 Temporary district groups	
	28A Temporary disaster district groups . . . . .	16
	28B Membership of temporary district group . . . . .	17
	28C Appointment of chairperson and deputy chairperson of temporary district group . . . . .	17
	28D Functions of chairperson of temporary district group .	18
	28E Temporary district disaster coordinator . . . . .	18
	28F Function of temporary district disaster coordinator . .	18
17	Amendment of s 30 (Functions) . . . . .	18
18	Amendment of s 33 (Membership) . . . . .	18
19	Insertion of new s 34A . . . . .	19
	34A Functions of chairperson of local group . . . . .	19
20	Replacement of ss 35 and 36. . . . .	19
	35 Local disaster coordinator . . . . .	19
	36 Functions of local disaster coordinator . . . . .	19
21	Amendment of s 37 (Notice about membership of local group) . .	20
22	Amendment of s 39 (Times and places of meetings) . . . . .	20
23	Insertion of new s 40A . . . . .	20
	40A Meeting deputies for particular members . . . . .	20
24	Replacement of ss 46 and 47. . . . .	21
	46 Chairperson of State group may give directions. . . . .	21
	47 District disaster coordinator may give directions . . . . .	21
25	Amendment of s 64 (Declaration) . . . . .	22
26	Amendment of s 65 (Form and notice of declaration) . . . . .	22
27	Amendment of s 66 (Duration) . . . . .	23

28	Amendment of s 67 (Extending disaster situation) . . . . .	23
29	Amendment of s 69 (Declaration) . . . . .	23
30	Amendment of s 70 (Form and notice of declaration) . . . . .	23
31	Amendment of s 71 (Duration) . . . . .	24
32	Amendment of s 72 (Extending disaster situation) . . . . .	24
33	Amendment of s 76 (General provision about powers) . . . . .	24
34	Amendment of s 82 (Functions) . . . . .	24
35	Amendment of s 83 (Responsibilities of chief executive) . . . . .	24
36	Insertion of new s 84A . . . . .	25
	84A    Establishment of SES units . . . . .	25
37	Amendment of s 87 (Functions of SES unit) . . . . .	25
38	Insertion of new pt 6, div 5 . . . . .	26
	Division 5    Agreements	
	88A    Agreements between department and each local government to define responsibilities of each party . . . . .	26
39	Amendment of s 143 (Delegations) . . . . .	26
40	Amendment of pt 14, div 2, hdg . . . . .	27
41	Insertion of new pt 14, div 2, sdiv 4 . . . . .	27
	Subdivision 4    Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010	
	166    Definitions for sdiv 4 . . . . .	27
	167    Continuance of particular member of State group . . . . .	27
	168    Deputy chairperson of State group . . . . .	28
	169    Executive officer of State group . . . . .	28
	170    District disaster coordinator and chairperson of district group . . . . .	28
	171    Deputy chairperson of district group . . . . .	29
	172    Executive officer of district group . . . . .	29
	173    SES units . . . . .	29
42	Amendment of sch 2 (Dictionary) . . . . .	30
<b>Part 3</b>	<b>Amendment of Public Safety Preservation Act 1986</b>	
43	Act amended . . . . .	32
44	Amendment of s 5 (Declaration of emergency situation) . . . . .	32
45	Replacement of s 6 (Disaster Management Act 2003) . . . . .	32
	6    Effect of declaration under Disaster Management Act 2003 . . . . .	32

Disaster Management and Other Legislation Amendment Act 2010

Contents

---

46	Amendment of schedule (Dictionary) . . . . .	33
<b>Schedule</b>	<b>Minor amendments of Disaster Management Act 2003 . . . . .</b>	<b>34</b>



Queensland

## **Disaster Management and Other Legislation Amendment Act 2010**

**Act No. 40 of 2010**

---

**An Act to amend the Disaster Management Act 2003 and the Public Safety  
Preservation Act 1986 for particular purposes**

**[Assented to 14 October 2010]**

[s 1]

---

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Disaster Management and Other Legislation Amendment Act 2010*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **Part 2 Amendment of Disaster Management Act 2003**

### **3 Act amended in pt 2 and schedule**

This part and the schedule amend the *Disaster Management Act 2003*.

### **4 Insertion of new s 4A**

After section 4—

*insert—*

### **‘4A Guiding principles**

‘This Act is to be administered according to the following principles—

- (a) disaster management should be planned across the following four phases—



- (i) the taking of preventative measures to reduce the likelihood of an event occurring or, if an event occurs, to reduce the severity of the event;
  - (ii) the taking of preparatory measures to ensure that, if an event occurs, communities, resources and services are able to cope with the effects of the event;
  - (iii) the taking of appropriate measures to respond to an event, including action taken and measures planned in anticipation of, during, and immediately after an event to ensure that its effects are minimised and that persons affected by the event are given immediate relief and support;
  - (iv) the taking of appropriate measures to recover from an event, including action taken to support disaster-affected communities in the reconstruction of infrastructure, the restoration of emotional, social, economic and physical wellbeing, and the restoration of the environment;
- (b) all events, whether natural or caused by human acts or omissions, should be managed in accordance with the following—
- (i) a strategic policy framework developed by the State group;
  - (ii) the State disaster management plan;
  - (iii) any disaster management guidelines;
- (c) local governments should primarily be responsible for managing events in their local government area;
- (d) district groups and the State group should provide local governments with appropriate resources and support to help the local governments carry out disaster operations.’.

[s 5]

---

## **5 Insertion of new pt 1, div 4A**

Part 1—

*insert—*

### **‘Division 4A Functions of chief executive**

#### **‘16A Functions of chief executive**

‘The chief executive has the following functions for the administration of this Act—

- (a) to—
  - (i) regularly review and assess the effectiveness of disaster management by the State, including the State disaster management plan and its implementation; and
  - (ii) regularly report to the State group on the effectiveness of—
    - (A) disaster management by the State; and
    - (B) the implementation of the State disaster management plan;
- (b) to regularly review and assess the effectiveness of disaster management by district groups and local groups, including district and local disaster management plans;
- (c) to establish and maintain arrangements between the State and the Commonwealth about matters relating to effective disaster management;
- (d) to ensure that disaster management and disaster operations in the State are consistent with the following—
  - (i) the State group’s strategic policy framework for disaster management for the State;
  - (ii) the State disaster management plan;
  - (iii) any disaster management guidelines;

- (e) to ensure that persons performing functions under this Act in relation to disaster operations are appropriately trained;
- (f) to provide advice and support to the State group and local and district groups in relation to disaster management and disaster operations.

*Note—*

See also part 6, division 2 and part 7, division 2.’.

## **6 Amendment of s 18 (Functions)**

- (1) Section 18(g) and (h)—  
*renumber* as section 18(h) and (i).
- (2) Section 18—  
*insert—*  
‘(g) to coordinate State and Commonwealth assistance for disaster management and disaster operations;’.
- (3) Section 18(i), as renumbered, ‘paragraphs (a) to (g)’—  
*omit, insert—*  
‘paragraphs (a) to (h)’.

## **7 Replacement of s 19 (Membership)**

Section 19—  
*omit, insert—*

### **‘19 Membership**

- ‘(1) The State group consists of the following members—
  - (a) the chief executive of the department;
  - (b) the chief executive of the department in which the *Constitution of Queensland 2001* is administered;
  - (c) a number of persons, each being the chief executive of another department;

[s 8]

---

- (d) an officer of the department who is appropriately qualified to provide advice on disaster management;
  - (e) an officer of LGAQ Ltd as defined in the *Local Government Act 2009*, section 287.
- ‘(2) The members mentioned in subsection (1)(c) to (e) are to be appointed by the Governor in Council.’

## **8 Amendment of s 20 (Chairperson and deputy chairperson)**

Section 20(1) to (3)—

*omit, insert—*

- ‘(1) The chief executive of the department in which the *Constitution of Queensland 2001* is administered is the chairperson of the State group.
- ‘(2) The chairperson of the State group must appoint a member of the State group as the deputy chairperson of the State group.
- ‘(3) A person may be appointed as the deputy chairperson of the State group at the same time the person is appointed as a member.’

## **9 Insertion of new s 20A**

After section 20—

*insert—*

### **‘20A Functions of chairperson of State group**

‘The chairperson of the State group has the following functions—

- (a) to manage and coordinate the business of the group;
- (b) to ensure, as far as practicable, that the group performs its functions.’

---

**10 Replacement of s 21 (Functions of executive officer of State group)**

Section 21—

*omit, insert—*

**‘21 Commissioner of police service to appoint executive officer of the State group**

‘The commissioner of the police service must appoint an executive officer of the State group.

**‘21A Executive officer to provide support**

‘The executive officer must provide support to the State group, as directed by the chairperson of the State group, to help it perform its functions, including the following—

- (a) providing executive support at meetings of the State group;
- (b) calling meetings of the State group;
- (c) providing any other executive support the chairperson considers necessary.

**‘21B State disaster coordinator**

- ‘(1) The chairperson of the State group may, if satisfied that it is necessary to appoint a person as a State disaster coordinator to coordinate disaster operations for the State group, appoint the person.
- ‘(2) The chairperson must consult with the commissioner of the police service before making the appointment.
- ‘(3) The appointment must be in writing and may only be terminated in writing.
- ‘(4) The chairperson may only appoint a person as a State disaster coordinator if the chairperson is satisfied the person has the necessary expertise or experience to perform the functions of a State disaster coordinator.

[s 10]

---

- ‘(5) The chairperson must advise the chairperson of each relevant district group and each relevant local disaster coordinator that a State disaster coordinator has been appointed.
- ‘(6) The chairperson must terminate the appointment if the chairperson decides, after consulting with the commissioner of the police service, that it is no longer necessary for a State disaster coordinator to coordinate disaster operations for the State group.
- ‘(7) The chairperson must advise the State group, the chairperson of each relevant district group and each relevant local disaster coordinator, of the termination of the appointment.
- ‘(8) In this section—

*relevant district group* means the district group for a disaster district that has been, is being, or is likely to be, affected by a disaster.

*relevant local disaster coordinator* means the local disaster coordinator for a local group for a local government area that has been, is being, or is likely to be, affected by a disaster.

## ‘21C Functions of State disaster coordinator

- ‘(1) The State disaster coordinator has the following functions—
  - (a) to coordinate the disaster response operations for the State group;
  - (b) to report regularly to the State group about disaster response operations;
  - (c) to ensure, as far as reasonably practicable, that any strategic decisions of the State group about disaster response operations are implemented;
  - (d) to provide strategic advice on disaster response operations to district disaster coordinators.
- ‘(2) In this section—

*disaster response operations* means the phase of disaster operations that relates to responding to a disaster.

---

**‘21D State recovery coordinator**

- ‘(1) The chairperson of the State group may appoint a person as the State recovery coordinator for a disaster if—
- (a) after consulting with the chief executive and the commissioner of the police service, the chairperson is satisfied that it is necessary for a State recovery coordinator to be appointed; and
  - (b) after consulting with the chief executive, the chairperson is satisfied the person has the necessary expertise or experience to perform the functions of the State recovery coordinator.
- ‘(2) The appointment must be in writing and may only be terminated in writing.
- ‘(3) The chairperson of the State group must terminate the appointment if the chairperson decides, after consulting with the chief executive, that it is no longer necessary for a State recovery coordinator to coordinate disaster operations for the State group.
- ‘(4) The chairperson must advise the State group of the termination of the appointment.

**‘21E Functions of State recovery coordinator**

- ‘(1) The State recovery coordinator has the following functions—
- (a) to coordinate the disaster recovery operations for the State group;
  - (b) to report regularly to the State group about disaster recovery operations;
  - (c) to ensure, as far as reasonably practicable, that any strategic decisions of the State group about disaster recovery operations are implemented;
  - (d) to provide strategic advice on disaster recovery operations to government agencies performing disaster recovery operations.
- ‘(2) In this section—

[s 11]

---

*disaster recovery operations* means the phase of disaster operations that relates to recovering from a disaster.’.

**11 Amendment of s 24 (Membership)**

(1) Section 24(1)(c) to (e)—

*renumber* as section 24(1)(d) to (f).

(2) Section 24(1)—

*insert*—

‘(c) the person appointed as the executive officer of the district group under section 27;’.

**12 Replacement of s 25 (District disaster coordinator and deputy chairperson)**

Section 25—

*omit, insert*—

**‘25 Chairperson and deputy chairperson**

‘(1) The commissioner of the police service must appoint—

(a) a person as the chairperson of a district group; and

(b) a person as the deputy chairperson of a district group.

‘(2) The commissioner of the police service may appoint a person under subsection (1) only if satisfied the person has the necessary expertise or experience to perform the functions and exercise the powers of a chairperson or deputy chairperson.

**‘25A District disaster coordinator**

‘The chairperson of a district group is also the district disaster coordinator of the district group.’.



---

**13 Replacement of s 26 (Functions of district disaster coordinator)**

Section 26—

*omit, insert—*

**‘26 Functions of chairperson of district group**

‘The chairperson of a district group has the following functions—

- (a) to manage and coordinate the business of the group;
- (b) to ensure, as far as practicable, that the group performs its functions;
- (c) to report regularly to the State group about the performance by the district group of its functions.

**‘26A Function of district disaster coordinator**

‘The function of the district disaster coordinator is to coordinate disaster operations in the disaster district for the group.’.

**14 Amendment of s 27 (Executive officer of district group)**

(1) Section 27(1) and (2)—

*omit, insert—*

- ‘(1) The commissioner of the police service is to appoint a person as the executive officer of the district group.
- ‘(2) The commissioner of the police service may appoint a person under subsection (1) only if satisfied the person has the necessary expertise or experience to perform the functions of the executive officer of the district group.’.

(2) Section 27(3)—

*omit.*

[s 15]

---

**15 Replacement of s 28 (Functions of executive officer of district group)**

Section 28—

*omit, insert—*

**‘28 Functions of executive officer of district group**

‘The function of the executive officer of a district group is to support the group in the performance of its functions, as directed by the chairperson of the district group.’.

**16 Insertion of new pt 2, div 2, sdiv 3**

Part 2, division 2—

*insert—*

**‘Subdivision 3 Temporary district groups**

**‘28A Temporary disaster district groups**

- ‘(1) This section applies if the chairperson of the State group is satisfied that a disaster has happened, is happening or is likely to happen, in two or more adjoining disaster districts.
- ‘(2) The chairperson may, after consulting with the commissioner of the police service, establish a temporary district disaster management group (a *temporary district group*) for the districts.
- ‘(3) The temporary district group is responsible, as directed by the chairperson, for the management of the disaster for the districts.
- ‘(4) The chairperson must publish details of the districts for which the temporary district group is established by gazette notice.
- ‘(5) The chairperson must dissolve the temporary district group when the chairperson is satisfied that it is no longer required.

---

**‘28B Membership of temporary district group**

- ‘(1) A temporary district group consists of the following members—
- (a) the person appointed as the chairperson of the temporary district group under section 28C;
  - (b) the person appointed as the deputy chairperson of the temporary district group under section 28C;
  - (c) a person nominated by each local government whose local government area is entirely or partly in a disaster district for which the temporary district group is established;
  - (d) a number of persons, each of whom represents a department the chairperson of the temporary district group considers appropriate to be represented on the group, having regard to effective disaster management for the area in which the group is established;
  - (e) any other person appointed by the chairperson of the temporary district group that the chairperson considers appropriate to be a member of the temporary district group, having regard to effective disaster management for the area in which the group is established.
- ‘(2) The persons mentioned in subsection (1)(c), (d) and (e) must be appointed by the chairperson for the temporary district group.

**‘28C Appointment of chairperson and deputy chairperson of temporary district group**

- ‘(1) After consulting with the commissioner of the police service, the chairperson of the State group must appoint a chairperson and a deputy chairperson for the temporary district group.
- ‘(2) The chairperson of the State group may appoint a person under subsection (1) only if satisfied the person has the necessary expertise or experience to perform the functions and exercise the powers of a chairperson or deputy chairperson.

[s 17]

---

**‘28D Functions of chairperson of temporary district group**

‘The chairperson of a temporary district group has the following functions—

- (a) to manage and coordinate the business of the group;
- (b) to ensure, as far as practicable, that the group performs its functions;
- (c) to report regularly to the State group about the performance by the temporary district group of its functions.

**‘28E Temporary district disaster coordinator**

‘The chairperson of a temporary district group is also the district disaster coordinator of the group.

**‘28F Function of temporary district disaster coordinator**

‘The function of the temporary district disaster coordinator is to coordinate disaster operations in the temporary disaster district for the group.’.

**17 Amendment of s 30 (Functions)**

Section 30(2)—

*omit.*

**18 Amendment of s 33 (Membership)**

- (1) Section 33(2) and (3)—

*renumber* as section 33(3) and (4).

- (2) Section 33—

*insert—*

- ‘(2) At least 1 person appointed under subsection (1) must be a person nominated by the chief executive of the department.’.

---

**19 Insertion of new s 34A**

After section 34—

*insert—*

**‘34A Functions of chairperson of local group**

‘The chairperson of a local group has the following functions—

- (a) to manage and coordinate the business of the group;
- (b) to ensure, as far as practicable, that the group performs its functions;
- (c) to report regularly to the relevant district group, and the chief executive of the department, about the performance by the local group of its functions.’.

**20 Replacement of ss 35 and 36**

Sections 35 and 36—

*omit, insert—*

**‘35 Local disaster coordinator**

- ‘(1) The chairperson of the local group must, after consulting with the chief executive, appoint the chief executive officer or an employee of the relevant local government as a local disaster coordinator of the group.
- ‘(2) The chairperson of the local group may appoint a person mentioned in subsection (1) as a local disaster coordinator of the group only if satisfied the person has the necessary expertise or experience to be a local disaster coordinator.
- ‘(3) The appointment under subsection (2) must be in writing and may only be revoked in writing.

**‘36 Functions of local disaster coordinator**

‘The local disaster coordinator has the following functions—

- (a) to coordinate disaster operations for the local group;

[s 21]

---

- (b) to report regularly to the local group about disaster operations;
- (c) to ensure, as far as practicable, that any strategic decisions of the local group about disaster operations are implemented.’.

**21 Amendment of s 37 (Notice about membership of local group)**

Section 37(a)—

*omit, insert—*

‘(a) the chief executive; and’.

**22 Amendment of s 39 (Times and places of meetings)**

Section 39—

*insert—*

- ‘(5) For subsections (2) to (4), the requirement to request, in writing, the meeting to be called does not apply if—
- (a) it is not practicable to request the meeting to be called in writing in all the circumstances; and
  - (b) the request to call the meeting is made orally, and the request is put in writing as soon as reasonably practicable.’.

**23 Insertion of new s 40A**

After section 40—

*insert—*

**‘40A Meeting deputies for particular members**

- ‘(1) A member of a disaster management group may, with the approval of the chairperson of the group, appoint by signed notice another person as his or her deputy.

- 
- ‘(2) The deputy may attend a group meeting in the member’s absence and exercise the member’s functions and powers under this Act at the meeting.
  - ‘(3) A deputy attending a group meeting is to be counted in deciding if there is a quorum for the meeting.’.

## **24 Replacement of ss 46 and 47**

Sections 46 and 47—

*omit, insert—*

### **‘46 Chairperson of State group may give directions**

- ‘(1) The chairperson of the State group may give a district group a written direction about the performance of the district group’s functions if satisfied it is necessary to give the direction to ensure the functions are performed appropriately.
- ‘(2) Before giving the direction, the chairperson must consult with the district disaster coordinator of the district group.
- ‘(3) Subject to subsection (4), the direction must be written.
- ‘(4) The direction may be given orally if the chairperson is satisfied it is not practicable to give a written direction in all the circumstances.
- ‘(5) If the direction is given orally, the chairperson must put it in writing as soon as reasonably practicable.
- ‘(6) The district group must comply with the direction.

### **‘47 District disaster coordinator may give directions**

- ‘(1) A district disaster coordinator for a disaster district may give a local group in the district a written direction about the performance of the group’s functions if satisfied it is necessary to give the direction to ensure the functions are performed appropriately.
- ‘(2) Before giving the direction, the district disaster coordinator must consult with the chairperson of the local group.

[s 25]

---

- ‘(3) Subject to subsection (4), the direction must be written.
- ‘(4) The direction may be given orally if the district disaster coordinator is satisfied it is not practicable to give a written direction in all the circumstances.
- ‘(5) If the direction is given orally, the district disaster coordinator must put it in writing as soon as reasonably practicable.
- ‘(6) The local group must comply with the direction.’.

## **25 Amendment of s 64 (Declaration)**

Section 64(1)(b), after ‘necessary’—

*insert—*

‘, or reasonably likely to be necessary,’.

## **26 Amendment of s 65 (Form and notice of declaration)**

Section 65—

*insert—*

- ‘(5) Despite subsection (1), a declaration of a disaster situation can be made orally if the district disaster coordinator is satisfied it is necessary to exercise declared disaster powers under section 64(1)(b) before an approved form can be obtained and completed.
- ‘(6) To remove any doubt, subsection (5) does not authorise an oral declaration if the district disaster coordinator is satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers under section 64(1)(b).
- ‘(7) If an oral declaration of a disaster situation is made under subsection (5), the declaration of the disaster situation must be recorded in the approved form under subsections (1) and (2) as soon as is reasonably practicable after the oral declaration is made.’.



---

**27 Amendment of s 66 (Duration)**

Section 66(b), ‘7 days’—

*omit, insert—*

‘14 days’.

**28 Amendment of s 67 (Extending disaster situation)**

Section 67(4)(a), ‘7 days’—

*omit, insert—*

‘14 days’.

**29 Amendment of s 69 (Declaration)**

Section 69(b), after ‘necessary’—

*insert—*

‘, or reasonably likely to be necessary.’

**30 Amendment of s 70 (Form and notice of declaration)**

Section 70—

*insert—*

- ‘(5) Despite subsection (1), a declaration of a disaster situation can be made orally if the Minister and the Premier are satisfied it is necessary to exercise declared disaster powers under section 69(b) before an approved form can be obtained and completed.
- ‘(6) To remove any doubt, subsection (5) does not authorise an oral declaration if the Minister and the Premier are satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers under section 69(b).
- ‘(7) If an oral declaration of a disaster situation is made under subsection (5), the declaration of the disaster situation must be recorded in the approved form under subsections (1) and (2)

[s 31]

---

as soon as is reasonably practicable after the oral declaration is made.’.

**31 Amendment of s 71 (Duration)**

Section 71(b), ‘7 days’—

*omit, insert—*

‘14 days’.

**32 Amendment of s 72 (Extending disaster situation)**

Section 72(4)(a), ‘7 days’—

*omit, insert—*

‘14 days’.

**33 Amendment of s 76 (General provision about powers)**

Section 76(2)(b)—

*insert—*

‘(iv) otherwise prepare for, respond to, or recover from, the disaster situation.’.

**34 Amendment of s 82 (Functions)**

Section 82—

*insert—*

‘(e) to perform activities to raise the profile of the SES or raise funds to support the SES in the performance of its functions.’.

**35 Amendment of s 83 (Responsibilities of chief executive)**

Section 83—

*insert—*

- ‘(c) ensuring that—
- (i) the local controller of an SES unit performs the controller’s functions; and
  - (ii) the SES safely and efficiently performs its functions.’.

**36 Insertion of new s 84A**

After section 84—

*insert—*

**‘84A Establishment of SES units**

- ‘(1) The chief executive may establish an SES unit for a local government area if satisfied that the local government area requires an SES unit to perform the functions mentioned in section 87.
- ‘(2) Before establishing an SES unit for a local government area, the chief executive must consult with—
- (a) the local government for the local government area; and
  - (b) other entities the chief executive is satisfied represent the interests of the community in the local government area.’.

**37 Amendment of s 87 (Functions of SES unit)**

- (1) Section 87(2)(b) to (d)—

*renumber* as section 87(2)(c) to (e).

- (2) Section 87(2)—

*insert—*

- ‘(b) the needs of the community in other local government areas in which disaster operations need to be carried out;’.

[s 38]

---

### **38 Insertion of new pt 6, div 5**

Part 6—

*insert—*

### **‘Division 5 Agreements**

#### **‘88A Agreements between department and each local government to define responsibilities of each party**

‘The chief executive may enter into an agreement with a local government that sets out the responsibilities of each party in relation to the SES in the local government’s area.’.

### **39 Amendment of s 143 (Delegations)**

Section 143(5) and (6)—

*omit, insert—*

- ‘(5) The State disaster coordinator may delegate the coordinator’s functions under section 21C to an appropriately qualified person.’.
- ‘(6) The State recovery coordinator may delegate the coordinator’s functions under section 21E to an appropriately qualified person.’.
- ‘(7) The district disaster coordinator of a district group may delegate the district disaster coordinator’s functions under this Act to an appropriately qualified officer of the Queensland police service.’.
- ‘(8) The local disaster coordinator may delegate the coordinator’s functions under section 36 to an appropriately qualified person.
- ‘(9) In this section—
- appropriately qualified*** includes having the qualifications, experience or standing appropriate to exercise the power.

*Examples of standing—*

- a person’s classification level in the public service
- a person’s rank in the Queensland police service

- a person's rank in the Queensland fire and rescue service  
*functions* includes powers.'

**40 Amendment of pt 14, div 2, hdg**

Part 14, division 2, heading, after 'provisions'—  
*insert—*  
'for Act No. 91 of 2003'.

**41 Insertion of new pt 14, div 2, sdiv 4**

Part 14, division 2—  
*insert—*

**'Subdivision 4 Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010**

**'166 Definitions for sdiv 4**

'In this subdivision—

*commencement* means the commencement of this section.

*new*, in relation to a provision, means as in force from the commencement.

*repealed*, in relation to a provision, means as in force immediately before the commencement.

**'167 Continuance of particular member of State group**

- '(1) This section applies to a person who, immediately before the commencement, held an appointment as a member of the State group under repealed section 19(1)(c).
- '(2) From the commencement, the person continues as a member of the group, until the appointment ends under this Act, as if the person had been appointed under new section 19(1)(d).

[s 41]

---

**‘168 Deputy chairperson of State group**

- ‘(1) This section applies to a person who, immediately before the commencement, held an appointment as deputy chairperson of the State group under repealed section 20(1)(b).
- ‘(2) From the commencement, the person continues as deputy chairperson of the group, as if the person had been appointed under new section 20(2), until—
  - (a) the person’s appointment as a member of the group ends under this Act; or
  - (b) the person’s appointment as deputy chairperson ends under section 20(2).

**‘169 Executive officer of State group**

- ‘(1) This section applies to a person who, immediately before the commencement, held an appointment as the executive officer of the State group under repealed section 19(3).
- ‘(2) From the commencement, the person continues as executive officer of the State group, as if the person had been appointed under new section 21, until the person’s appointment as executive officer ends under section 21.

**‘170 District disaster coordinator and chairperson of district group**

- ‘(1) This section applies to a person who, immediately before the commencement, held an appointment as the district disaster coordinator and chairperson of a district group under repealed section 25.
- ‘(2) From the commencement, the person continues as district disaster coordinator and chairperson of the district group, as if the person had been appointed as chairperson under new section 25(1)(a), until—
  - (a) the person’s appointment as a member of the group ends under this Act; or

- (b) the person's appointment as chairperson ends under section 25.

### **'171 Deputy chairperson of district group**

- '(1) This section applies to a person who, immediately before the commencement, held an appointment as the deputy chairperson of a district group under repealed section 25.
- '(2) From the commencement, the person continues as deputy chairperson of the group, as if the person had been appointed under new section 25(1)(b), until—
  - (a) the person's appointment as a member of the group ends under this Act; or
  - (b) the person's appointment as deputy chairperson ends under section 25.

### **'172 Executive officer of district group**

- '(1) This section applies to a person who, immediately before the commencement, held an appointment as the executive officer of a district group under section 27(1).
- '(2) From the commencement, the person continues as executive officer of the district group, as if the person had been appointed under new section 27, until—
  - (a) the person's appointment as a member of the group ends under this Act; or
  - (b) the person's appointment as executive officer ends under section 27.

### **'173 SES units**

- '(1) This section applies to a group of SES members who, immediately before the commencement, were an SES unit for a local government area.
- '(2) From the commencement, the group continues as an SES unit for the local government area, as if established under new

[s 42]

---

section 84A, until the unit's establishment ends under that section.'.

## 42 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *SES unit*—

*omit.*

(2) Schedule 2—

*insert—*

**'local disaster coordinator** means the person appointed as the local disaster coordinator under section 35.

**recovering from a disaster** includes, for example, the following—

- (a) providing relief measures to assist persons affected by the disaster who do not have the resources to provide for their own financial and economic wellbeing;
- (b) restoring essential infrastructure in the area or areas affected by the disaster;
- (c) restoring the environment in areas affected by the disaster;
- (d) providing health care to persons affected by the disaster, including temporary hospital accommodation, emergency medical supplies and counselling services.

**relevant district group**, for a local group, means the district group for the disaster district in which the area of the local group is situated.

**responding to a disaster** includes, for example, the following—

- (a) issuing warnings of a disaster;
- (b) establishing and operating emergency operations centres;
- (c) conducting search and rescue missions;
- (d) providing emergency medical assistance;



- 
- (e) providing emergency food and shelter;
  - (f) planning and implementing the evacuation of persons affected by disasters;
  - (g) establishing and operating evacuation centres;
  - (h) carrying out assessments of the impact of a disaster.

**SES unit** means an SES unit established under section 84A.

**State disaster coordinator** means a person appointed as a State disaster coordinator under section 21B.

**State recovery coordinator** means a person appointed as a State recovery coordinator under section 21D.

**temporary district group**—see section 28A(2).’.

- (3) Schedule 2, definition *chairperson*—

*omit, insert*—

‘**chairperson** means—

- (a) of the State group—the person appointed as the chairperson of the group under section 20; or
- (b) of the district group—the person appointed as the chairperson of the group under section 25; or
- (c) of the local group—the person appointed as the chairperson of the group under section 34; or
- (d) of the temporary district group—the person appointed as the chairperson of the group under section 28C.’.

- (4) Schedule 2, definition *district disaster coordinator*, ‘section 25’—

*omit, insert*—

‘section 25A’.

- (5) Schedule 2, definition *executive officer*—

*omit, insert*—

‘**executive officer**—

- (a) for part 2, division 1—see section 21; or



officer of the same or more senior rank, unless the emergency commander or commissioned officer believes on reasonable grounds that it is necessary for the declaration under section 5 to remain in force.’.

**46 Amendment of schedule (Dictionary)**

- (1) Schedule, definition *emergency situation*, paragraph (f)—  
*renumber* as paragraph (g).
- (2) Schedule, definition *emergency situation*—  
*insert*—  
‘(f) any impact of a naturally occurring event such as a flood or a landslide; or’.

## **Schedule**                      **Minor amendments of Disaster Management Act 2003**

section 3

**1**            **Section 24(1) and (4) to (7), ‘executive officer of the State group’—**

*omit, insert—*

‘chief executive of the department’.

**2**            **Section 24(1)(e), ‘the executive officer’—**

*omit, insert—*

‘the chief executive’.

**3**            **Sections 24, 37(b), 39(4)(a) and 56, ‘the district disaster coordinator’—**

*omit, insert—*

‘the chairperson’.

**4**            **Section 132(a)(ii), ‘a district disaster coordinator’—**

*omit, insert—*

‘the chairperson of the district group’.

**5**            **Section 133, after ‘the chairperson of the State group,’—**

*insert—*

‘the chairperson of the district group’.