

Disaster Management and Other Legislation Amendment Bill 2010

Explanatory Notes

Short Title

The short title of the Bill is the *Disaster Management and Other Legislation Amendment Bill 2010*.

Objectives of the Bill

The objectives of the Bill are to amend the *Disaster Management Act 2003* and *Public Safety Preservation Act 1986* for particular purposes.

Reasons for the Bill

The Department of Community Safety commissioned an independent review of the disaster management arrangements in Queensland to analyse the practice of disaster management in Queensland and determine whether any policy or legislation changes were required. The independent report made a number of recommendations for policy and legislation changes to disaster management. The Bill implements those recommendations that required legislative amendment. The Bill also includes additional amendments identified by the Department of Community Safety and the Queensland Police Service to improve the operation of disaster management in Queensland.

The amendments contained in the Bill can be grouped into the following broad categories:

- Clarification of the objectives of the disaster management system;
- Clarification of the roles of the State and local governments in relation to the State Emergency Service (SES);
- Reallocation of roles, and creation of new roles in disaster management groups;

- Amending the processes and requirements for declaring a disaster situation;
- Establishment of temporary disaster districts; and
- Creation of the new roles of State Disaster Coordinator and State Recovery Coordinator.

Achievement of the Objectives

The objectives of the Bill can be grouped under the following headings.

Clarification of the objectives of the disaster management system

Queensland plans its disaster management according to accepted principles of disaster management. The Act does not clearly refer to these principles and the review recommended that the Act be amended to clearly state the principles. The introductory part of the Act will be amended by the Bill to insert guiding principles for disaster management. These principles will include the need to plan across all four phases of disaster management, note that local governments are the cornerstone of disaster management and note that all hazards should be managed by using a disaster management approach.

Roles of the State and Local Governments in relation to the SES

SES Units are supported by both local governments and the State. To reflect this collaborative arrangement, the Bill includes a provision allowing the chief executive of the department to enter into agreement with the local government about the parties' respective responsibilities in relation to the SES unit in the local government area.

The Bill also provides that the chief executive of the department may establish SES Units, after consulting with the relevant local government and other relevant entities.

The Bill creates additional functions for the chief executive of the department in relation to the SES. The chief executive is responsible for ensuring that the SES safely and efficiently carries out its functions and that the local controller of an SES unit performs the controller's functions.

Reallocation of roles, and creation of new roles in disaster management groups

The Act establishes three levels of disaster management: state, district and local. Each level has a group with members and certain powers and

functions under the Act. The review identified the need to make some changes to the roles and appointment processes and also recommended the creation of new roles. The Bill therefore amends the Act to create the new roles of state disaster coordinator and state recovery coordinator. The Bill also creates a new role of local disaster coordinator.

The process and requirements for declaring a disaster situation

A disaster situation declaration authorises the use of declared disaster powers by a district disaster coordinator. The Act provides for two forms of declaration: by a district disaster coordinator with the approval of the Minister; and by the Minister and Premier. The review recommended two changes to the process for declaring a disaster situation: allow declarations to be made proactively; and allow verbal declarations. The Bill contains amendments to allow a proactive declaration where it is reasonably likely to be necessary to exercise the powers available to district disaster coordinators upon the declaration of a disaster. The Bill also contains amendments that allow disasters to be declared verbally if it is necessary for a district disaster coordinator or declared disaster officer to exercise the powers available once a disaster has been declared. A verbal disaster declaration must be recorded in the approved form as soon as practicable after the verbal declaration is made.

The establishment of temporary disaster districts

The Act provides for disaster districts to be declared by a regulation. Where no regulation has been made to declare disaster districts, section 158 provides a transitional arrangement allowing the continuation of disaster districts in existence before the Act commenced.

The review identified the need for disaster districts to have flexible boundaries. This would allow disasters crossing two or more disaster districts to be managed by a single district disaster group. To achieve this flexibility, the Bill contains amendments allowing the chairperson of the state disaster management group to create, in consultation with the commissioner of the police service, temporary disaster districts, where it is likely that a disaster will encompass two or more disaster districts. The temporary disaster group will be responsible for managing the disaster.

The creation of the new roles of State Disaster Coordinator and State Recovery Coordinator

It is advantageous that an appropriately qualified person is able to be appointed to assume, at State level, overall responsibility for coordinating

the response to, and recovery from, disasters. The Bill creates the new positions of state disaster coordinator and state recovery coordinator. These positions are charged with managing disaster operations for the state disaster management group. Both positions are appointed by the chairperson of the state disaster management group. Where appointed, the state disaster coordinator is to manage disaster operations for the purpose of disaster response whilst the state recovery coordinator is to manage the recovery stage.

Estimated Cost for Government Implementation

There are no anticipated additional costs for Government arising from the amendments.

Consistency with Fundamental Legislative Principles

The Disaster Management Act 2003 (DMA) and Public Safety Preservation Act 1986 (PSPA) potentially infringe the rights and liberties of individuals through authorising the use of extraordinary powers during a declared disaster situation or declared emergency situation. These powers include the ability to control the movement of persons and enter private property. However, this can be justified because the powers can only be used in certain circumstances, for example during a disaster situation declaration, and only for the purpose of reducing loss of life, property or ensuring public safety.

The amendment allowing a pro-active disaster situation declaration would impact on the rights and liberties of individuals because the declaration authorises the use of extraordinary powers. This amendment is being made to ensure that Queensland is able to prepare for and respond to disaster events with the objective of minimising loss of life and property. The approval process for a proactive declaration will be the same as is currently provided in the DMA. The decision to declare a disaster situation is a serious one and the relevant decision maker is provided with a detailed briefing before making the decision. The proactive declaration may only be made for a district with the approval of the Minister or for part of the State by the Minister and Premier. In addition to the existing safeguards, section 76 will be amended to ensure that disaster powers can only be used to prepare for, respond to, or recover from disasters. This will enhance the existing safeguard in section 76 that the powers can only be used to ensure public safety, prevent or minimise loss of life or prevent or minimise property damage.

The amendment that increases the length of a disaster situation declaration, and an extension, to 14 days similarly impacts on the rights and liberties of individuals. There is an existing safeguard in sections 68 and 71 that requires the Minister, or the Minister and Premier, to end a disaster declaration once satisfied that it is no longer necessary.

The expansion of emergency declarations under the PSPA to include natural hazards would also impact on the rights and liberties of individuals. This infringement can be justified on the basis that it is necessary to ensure a quick and effective response to disasters to minimise the impact of the disaster on the community. The PSPA currently requires that declarations be made in writing with the certificate setting out the date, time and place of the emergency. The certificates are filed with the commissioner of the police service and retained for 6 years.

Consultation

The department, Queensland Police Service and the Local Government Association of Queensland conducted targeted consultation with 21 local governments from across the State. All local governments consulted supported the proposed legislative amendments.

All government agencies were consulted on the amendments. All agencies who responded supported the Bill.

Notes on Provisions

Part 1 Preliminary

Clause 1 states that the short title is the *Disaster Management and Other Legislation Amendment Act 2010*.

Clause 2 states that the Act is to commence on a date to be fixed by proclamation.

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

Clause 3 states that Part 2 and the schedule amend the Disaster Management Act 2003.

Clause 4 inserts a new section 4A. This section provides guiding principles for the administration of the *Disaster Management Act 2003*.

Section 4A(a) states that disaster management should be planned across four phases – prevention, preparation, response and recovery. Section 4A(b) states that all events, whether natural or caused by human acts or omissions, should be managed by a strategic policy framework and the State disaster management plan, as well as any disaster management guidelines. Section 4A(c) states that local governments should be primarily responsible for managing events in their local government area. Section 4A(d) states that district and State groups should provide local governments with appropriate resources and support to help the local governments carry out their disaster operations.

The guiding principles stated in section 4A provide guidance for the administration of the Act. The guiding principles reflect accepted principles of disaster management in Queensland.

Clause 5 inserts a new Part 1, Div 4A.

New section 16A establishes the functions of the chief executive for the administration of the Act. These functions broadly relate to the effectiveness of the disaster management system in Queensland and the consistency of local and district arrangements with the strategic direction established by the State disaster management group. More specifically, the functions given to the chief executive are to:

- regularly review and assess the effectiveness of disaster management by the State including the State disaster management plan and its implementation;
- regularly report to the State group on the effectiveness of disaster management by the State and the implementation of the State disaster management plan;
- regularly review and assess the effectiveness of disaster management by local and district groups (including the disaster management plans prepared by those groups);

- establish and maintain arrangements between the Commonwealth and the State concerning disaster management;
- ensure the consistency of disaster management and disaster operations with the strategic policy framework developed by the State group, the State disaster management plan and any disaster management guidelines;
- ensure that persons performing functions under the Act in relation to disaster operation are appropriately trained; and
- provide advice and support on disaster management and disaster operations to disaster management groups at all levels.

Clause 6 amends section 18 of the Act by including an additional function for the State disaster management group – to coordinate State and Commonwealth assistance for disaster management and disaster operations.

Clause 7 replaces section 19 of the Act, relating to membership of the State disaster management group. The membership of the group will comprise the following:

- the chief executive of the department;
- the chief executive of the department which administers the *Constitution of Queensland 2001*;
- a number of other persons, each of whom is a chief executive of another department;
- an officer of the department who is appropriately qualified to provide advice on disaster management; and
- a representative of the Local Government Association of Queensland.

Clause 8 amends section 20 of the Act, specifying that the chairperson of the State disaster management group is the chief executive of the department which administers the *Constitution of Queensland 2001*. The chairperson must appoint a member of the State disaster management group to be the deputy chairperson. A person may be appointed as deputy chairperson at the same time as they are appointed as a member of the State disaster management group.

Clause 9 inserts a new section 20A. Section 20A specifies the following functions of the chairperson of the State disaster management group:

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

Clause 10 replaces the existing section 21.

New section 21 provides that the commissioner of the police service is to appoint an executive officer for the State disaster management group. The executive officer is not a member of the group.

New section 21A provides that the executive officer must provide support to the State disaster management group, as directed by the chairperson of the group, to help the group to perform its functions. The support to be provided by the executive officer includes:

- providing executive support at meetings of the group;
- calling meetings of the group; and
- any other executive support that the chairperson considers necessary.

New Sections 21B and 21C relate to the position of State disaster coordinator.

Section 21B(1)-(3) states that the chairperson of the State disaster management group may, if satisfied that it is necessary, appoint a person as State disaster coordinator to coordinate disaster operations for the group. This appointment is to occur after consultation with the commissioner of the police service and must be in writing and may only be terminated in writing.

Section 21B(4) states that the chairperson may only appoint a person to the position of State disaster coordinator if satisfied that the person has the necessary expertise or experience to perform the functions of a State disaster coordinator.

Section 21B(5) contains the requirements of who the chairperson must notify of the appointment of a State disaster coordinator. The chairperson must notify the chairperson of each relevant district disaster management group and each relevant local disaster coordinator.

Section 21B(6) requires the chairperson to terminate the appointment of a State disaster coordinator if satisfied that it is no longer necessary for a State disaster coordinator to coordinate operations for the State group. The

chairperson must consult with the commissioner of the police service, before terminating the appointment.

Section 21B(7) contains the requirements of who the chairperson must notify of the termination of the appointment of a State disaster coordinator. The chairperson must notify the State group, the chairperson of each relevant district disaster management group, and each relevant local disaster coordinator.

Section 21B(8) defines the terms relevant district group and relevant local disaster coordinator.

Section 21C provides the functions of the State disaster coordinator. In order to clarify that the State disaster coordinator is focused on the response phase of disaster operations, the section provides a definition of “disaster response operations”, meaning the phase of disaster operations that relates to responding to a disaster.

The functions of a State disaster coordinator are:

- to coordinate disaster response operations for the State group;
- to report regularly to the State group about disaster response operations;
- to ensure, as far as reasonably practicable, that any strategic decisions of the State group about disaster response operations are implemented; and
- to provide strategic advice on disaster response operations to district disaster coordinators.

New sections 21D and 21E relate to the position of State recovery coordinator.

Sections 21D(1)(a) and (b) state the requirements for the appointment of a State recovery coordinator. The Chairperson of the State group must consult with the commissioner of the police service and the chief executive of the department in determining whether it is necessary to appoint a State recovery coordinator. The Chairperson may only appoint a person if, after consulting with the chief executive of the department, the Chairperson is satisfied that the person has the necessary expertise or experience to perform the functions of the State recovery coordinator.

Section 21(D)(2) states that the appointment must be in writing and may only be terminated in writing.

Sections 21D(3) and (4) provide for the termination of the appointment of a State recovery coordinator. The chairperson of the State group must terminate the appointment of the State recovery coordinator if the chairperson decides that it is no longer necessary for a State recovery coordinator to coordinate disaster recovery operations for the State group. The chairperson must consult with the chief executive of the department before terminating the appointment and must advise the State group that the appointment has been terminated.

Section 21E provides the functions of the State recovery coordinator. In order to clarify that the State recovery coordinator is focused on the recovery phase of disaster operations, the section provides a definition of “disaster recovery operations”, meaning the phase of disaster operations that relates to recovering from a disaster.

The functions of a State recovery coordinator are:

- to coordinate disaster recovery operations for the State group;
- to report regularly to the State group about disaster recovery operations;
- to ensure, as far as reasonably practicable, that any strategic decisions of the State group about disaster recovery operations are implemented; and
- to provide strategic advice on disaster recovery operations to government agencies performing disaster recovery operations.

Clause 11 amends section 24 of the Act. The clause inserts a new member for district disaster management groups – the person appointed (under section 27 as amended) by the commissioner of the police service to the position of executive officer to the district disaster management group.

Clause 12 replaces the existing section 25 with new sections 25 and 25A.

New section 25 notes that the commissioner of the police service is to appoint persons to the positions of chairperson and deputy chairperson of district disaster management groups. The commissioner may only appoint persons to those positions if satisfied that the person has the necessary experience or expertise to perform the functions and exercise the powers of those positions.

New section 25A states that the chairperson of a district disaster management group is also the district disaster coordinator of the group.

Clause 13 replaces section 26 with new sections 26 and 26A.

New section 26 describes the functions of the chairperson of a district disaster management group. Those functions are to:

- manage and coordinate the business of the group;
- ensure, as far as practicable, that the group performs its functions; and
- report regularly to the State disaster management group about the performance by the district group of its functions.

New section 26A states that the function of the district disaster coordinator is to coordinate disaster operations in the disaster district for the district group.

Clause 14 amends section 27 of the Act. The power to appoint the executive officer to a district group is given to the commissioner of the police service. The commissioner must still be satisfied that the person to be appointed has the necessary expertise or experience to perform the functions of the position. The requirement to consult the district disaster coordinator before appointing an executive officer is removed – as the commissioner of the police service appoints the district disaster coordinator, there is little benefit in the commissioner being required to consult with the person holding that position.

Clause 15 replaces section 28. The function of the executive officer of a district disaster management group is to support the group in the performance of its functions, as directed by the chairperson of the district group.

Clause 16 inserts a new part 2, division 2, subdivision 3 into the Act.

New section 28A provides for the establishment of temporary disaster district groups. Temporary groups may be established by the chairperson of the State group, whenever a disaster is happening, or is likely to happen, in two or more adjoining disaster districts. The chairperson of the State group may, after consulting with the commissioner of the police service, establish a temporary district disaster management group for the districts. That temporary group is then responsible, as directed by the chairperson of the state group, for management of the disaster for the districts. This section does not preclude more than one temporary disaster district group being established at a time, when more than one disaster affects different localities.

The chairperson of the State group must publish by gazette notice details of the districts for which the temporary district group is established. The

chairperson of the State group must also dissolve the temporary district group if satisfied that it is no longer required.

New section 28B and 28C provides for the membership of a temporary disaster district group.

The following members are appointed under new section 28C:

- the person appointed as the chairperson of the temporary district group; and
- the person appointed as the deputy chairperson of the temporary district group.

The following members are appointed by the chairperson of the temporary district group, under section 28B:

- a person from each local government whose local government area is entirely or partly in a disaster district for which the temporary district group is established;
- a number of persons representing departments that the chairperson of the temporary district group considers appropriate to be represented, having regard to effective disaster management; and
- any other person that the chairperson of the temporary district group considers appropriate to be a member of the group, having regard to effective disaster management.

As indicated above, new section 28C describes the process for appointment of the chairperson and deputy chairperson of a temporary district group. The chairperson of the State disaster management group must appoint persons to these positions, after consulting with the commissioner of the police service. The chairperson of the State group must only appoint persons to these positions if satisfied that that the person has the necessary experience or expertise to perform the functions and exercise the powers of these positions.

New section 28D describes the functions of the chairperson of a temporary district group. The functions are to:

- manage and coordinate the business of the group;
- ensure, as far as practicable, that the group performs its functions; and

- report regularly to the State disaster management group about the performance by the temporary district group of its functions.

New section 28E provides that the chairperson of a temporary district group is also the district disaster coordinator of the group.

New section 28F states that the function of a temporary district disaster coordinator is to coordinate disaster operations in the temporary disaster district for the group.

Clause 17 omits section 30(2).

Clause 18 renumbers section 32(2) and (3) to section 33(3) and (4). The clause also inserts a new section 33(2) to require that at least one member of a local disaster management group is a person nominated by the chief executive of the department.

Clause 19 inserts a new clause 34A. The new section describes the functions of the chairperson of a local disaster management group as:

- to manage and coordinate the business of the local group;
- to ensure, as far as practicable, that the group performs its functions; and
- 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.

Clause 20 replaces sections 35 and 36 and deals with the position of local disaster coordinator.

Section 35 establishes the requirements for appointment of local disaster coordinators. The chairperson of a local disaster management group must, after consulting with the chief executive of the department, appoint a person to the position of local disaster coordinator. The person appointed must be a chief executive or employee of the relevant local government. . The chairperson of the local group must be satisfied that the person to be appointed has the necessary experience or expertise to be a local disaster coordinator. The appointment must be in writing and may only be revoked in writing.

Section 36 describes the functions of local disaster coordinators as:

- to coordinate disaster operations for the group;
- to report regularly to the local group about disaster operations; and

- to ensure, as far as practicable, any strategic decisions of the local group in relation to disaster operations are implemented.

Clause 21 amends section 37 to remove the requirement on the relevant local government to notify the executive officer of the State disaster management group of the membership of the local group. Instead, the relevant local government must notify the chief executive of the department.

Clause 22 amends section 39. Section 39 allows certain persons to ask Chairpersons of groups (State, district and local) to call meetings of the group. Ordinarily the request for a meeting to be called must be made in writing. However, the clause amends the section to allow the named persons to ask orally for meetings of disaster management groups to be called, if it is not practicable in all the circumstances to make the request in writing. Where a meeting is requested orally, it must be confirmed in writing as soon as possible.

Clause 23 inserts a new section 40A dealing with meeting deputies. A member of a group may, with the approval of the chairperson of the group, appoint another person as his or her deputy. The appointment must be by way of signed notice. The deputy may attend group meetings in the member's absence and exercise the member's functions and powers under the Act at the meeting. A deputy attending a meeting instead of a member is to be counted in determining if a quorum has been attained.

Clause 24 replaces section 46 and 47.

The new section 46 states that the chairperson of the State disaster management group may give a written direction to a district group about the performance of its functions. The direction is to be given if the chairperson of the State group is satisfied that it is necessary to give the direction to ensure the functions of the district group are performed appropriately. Before giving the direction, the chairperson of the State group must consult with the district disaster coordinator of the district group. The direction must be in writing but may be given orally if the chairperson of the State group is satisfied that it is not practicable, in all the circumstances, to provide the direction in writing. If the direction is given orally, it must be confirmed in writing as soon as possible. The district group must comply with a direction given under this section.

The new section 47 states that the district disaster coordinator may give a written direction to a local group about the performance of its functions. The direction is to be given if the district disaster coordinator is satisfied

that it is necessary to give the direction to ensure the functions of the local group are performed properly. Before giving the direction, the district disaster coordinator must consult with the local group's chairperson. The direction must be in writing but may be given orally if the district disaster coordinator is satisfied that it is not practicable, in all the circumstances, to provide the direction in writing. If the direction is given orally, it must be confirmed in writing as soon as possible. The local group must comply with a direction given under this section.

Clause 25 amends section 64(1)(b) by adding the words “or reasonably likely to be necessary” after the word “necessary”. This enables the declaration of a disaster situation by a district disaster coordinator when it is reasonably likely to be necessary to exercise the declared disaster powers in order to prevent or minimise loss of human life, illness or injury to humans, property loss or damage or damage to the environment.

Clause 26 amends section 65 to allow for the verbal declaration of disasters by district disaster coordinators. Verbal declarations must only be made if the district disaster coordinator is satisfied that it is necessary to exercise declared disaster powers before an approved form can be obtained and completed. Verbal declarations must not be made when the district disaster coordinator is satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers. Where a verbal declaration is made, it must be recorded in the approved form as soon as is reasonably practicable.

Clause 27 amends section 66 by stating that the duration of an initial disaster situation declared by a district disaster coordinator is 14 days.

Clause 28 amends section 67, allowing disaster situations declared by a district disaster coordinator to be extended by regulation for a period of 14 days.

Clause 29 amends section 69(b) by adding the words “or reasonably likely to be necessary” after the word “necessary”. This enables the declaration of a disaster situation by the Premier and the Minister when it is reasonably likely to be necessary to exercise the declared disaster powers in order to prevent or minimise loss of human life, illness or injury to humans, property loss or damage or damage to the environment.

Clause 30 amends section 70 to allow for the verbal declaration of disasters by the Premier and the Minister. Verbal declarations must only be made if the Premier and the Minister are satisfied that it is necessary to exercise declared disaster powers before an approved form can be obtained

and completed. Verbal declarations must not be made when the Minister and the Premier are satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers. Where a verbal declaration is made, it must be recorded in the approved form as soon as is reasonably practicable.

Clause 31 amends section 71 by stating that the duration of an initial disaster situation declared by the Premier and the Minister is 14 days.

Clause 32 amends section 72, allowing disaster situations declared by the Premier and the Minister to be extended by regulation for a period of 14 days.

Clause 33 amends section 76 by clarifying that district disaster coordinators and declared disaster officers may only exercise a declared disaster power in order to prepare for, respond to, or recover from, the disaster situation.

Clause 34 amends section 82 by adding an additional function of the State Emergency Service – to perform activities to raise the profile of the SES or to raise funds to support the SES in the performance of its functions.

Clause 35 amends section 83 by including two additional functions of the chief executive of the department, in relation to the SES. Those additional functions are ensuring that:

- the local controller of an SES unit performs the controller's functions; and
- the SES safely and efficiently performs its functions.

Clause 36 inserts a new section 84A to create a mechanism for the creation of SES units. The section provides that the chief executive may establish a state emergency service unit for a local government area if satisfied that the local government area requires an SES unit to perform the functions described in section 87. Before establishing an SES unit, the chief executive must consult with:

- the local government for the local government area; and
- other entities that the chief executive is satisfied represent the interests of the community in the local government area.

Clause 37 amends section 87 to insert a new matter that the chief executive must have regard to when deciding the functions of an SES unit – the needs of the community in other local government areas in which disaster operations need to be carried out.

Clause 38 inserts a new part 6, division 5 of the Act. The clause inserts new section 88A which states that the chief executive of the department 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.

Clause 39 amends section 143 which deals with delegations under the Act. It states that:

- The State disaster coordinator may delegate his or her functions under section 21C to an appropriately qualified person;
- The State recovery coordinator may delegate his or her functions under section 21E to an appropriately qualified person;
- The district disaster coordinator may delegate his or her functions under the Act to an appropriately qualified officer of the Queensland police service; and
- The local disaster coordinator may delegate his or her functions under section 36 to an appropriately qualified person.

The clause also inserts a definition of “appropriately qualified person”, meaning including having the qualifications, experience or standing appropriate to exercise the power. The clause also defines “functions” to include powers.

Clause 40 amends the heading of part 14, division 2.

Clause 41 inserts a new part 14, division 2, subdivision 4. It contains transitional provisions of the Disaster Management and Other Legislation Amendment Act 2010.

Section 166 provides definitions for the terms “commencement”, “new” and “repealed”.

Section 167 states that, at commencement, a person who held an appointment as a member of the State group under repealed section 19(1)(c) continues as a member of the group as if the person was appointed under new section 19(1)(d), until the appointment end under this Act.

Section 168 states that, at commencement, a person who held an appointment as deputy chairperson of the State group under repealed section 20(1)(b) continues to hold the appointment as if the person was appointed under new section 20(2), until either the person's appointment as a member of the group, or as the deputy chairperson, ends under this Act.

Section 169 states that, at commencement, a person who held an appointment as the executive officer of the State group under repealed section 19(3), continues to hold the appointment as if the person was appointed under new section 21, until the person's appointment as the executive officer ends under this Act.

Section 170 states that, at commencement, a person who held an appointment as a district disaster coordinator and chairperson of a district group under repealed section 25, continues in those positions as if appointed as chairperson under new section 25(1)(a) until either the person's appointment as a member of the group, or as the chairperson, ends under this Act.

Section 171 states that, at commencement, a person who held an appointment as deputy chairperson of a district group under repealed section 25, continues as deputy chairperson of the group as if appointed under new section 25(1)(b), until either the person's appointment as a member of the group, or as deputy chairperson, ends under this Act.

Section 172 states that, at commencement, a person who held an appointment as executive officer of a district group under section 27(1) continues as executive officer of the group until the person's appointment as a member of the group, or as executive officer, ends under this Act.

Section 173 states that a group of SES members who were an SES unit for a local government area prior to commencement, continue from commencement as an SES unit for the local government area, until the unit's establishment ends under this Act.

Clause 42 amends the Schedule – Dictionary. It provides definitions of the following terms and amends the schedule by inserting definitions of the following terms:

- local disaster coordinator;
- recovering from a disaster;
- relevant district group;
- responding to a disaster;
- SES unit;
- State disaster coordinator;
- State recovery coordinator; and
- temporary district group.

These terms are used in the amendments to the Act and so require definition.

The clause also amends the definitions of “chairperson”, district disaster coordinator” and “executive officer” which appear elsewhere in the Act. The clause also omits the existing definition of “SES Unit.”

Part 2 Amendment of Public Safety Preservation Act 1986

Clause 43 states that the part amends the *Public Safety Preservation Act 1986*.

Clause 44 amends section 5 by stating that, where the emergency commander is unavailable, a commissioned officer of the same or more senior rank to the emergency commander may also revoke the declaration of an emergency situation.

Clause 45 replaces section 6. The section states that a declaration under section 5 in force when a disaster situation is declared under the *Disaster Management Act 2003* must be revoked by the emergency commander (or if the emergency commander is unavailable, by a commissioned 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.

Clause 46 amends the definition of “emergency situation” by inserting – any impact of a naturally occurring event such as a flood or a landslide.

Schedule Minor Amendments to Disaster Management Act 2003

The Schedule makes minor amendments to:

- section 24(1), (4) to (7) by replacing reference to “executive officer of the State group” to “chief executive of the department”;
- section 24(2)(e) by replacing “the executive officer” with “the chief executive”;

- section 24, 37(b), 39(4)(a), 46(3), 47 and 56 by replacing reference to “the district disaster coordinator” with “the chairperson”;
- section 132 by replacing reference to “a district disaster coordinator” with “the chairperson of the district group”; and
- section 133 by inserting “the chairperson of the district group” after “the chairperson of the State group,”.

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