

Queensland



**EMERGENCY SERVICES
LEGISLATION
AMENDMENT BILL 1995**

Queensland



**EMERGENCY SERVICES LEGISLATION
AMENDMENT BILL 1995**

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1995

A BILL

FOR

An Act to amend legislation about emergency services

The Parliament of Queensland enacts—

1

PART 1—INTRODUCTION

2

Short title

3

Clause **1.** This Act may be cited as the *Emergency Services Legislation Amendment Act 1995*.

4

5

Commencement

6

Clause **2.** Sections 7 to 10, and section 41 (so far as it inserts into the *Fire Service Act 1990* new sections 155 and 156), commence on a day fixed by proclamation.

7

8

9

PART 2—AMENDMENT OF FIRE SERVICE ACT 1990

10

Act amended in pt 2

11

Clause **3.** This part amends the *Fire Service Act 1990*.

12

Amendment of s 5 (Savings and transitional)

13

Clause **4.** Section 5—

14

insert—

15

‘**(14)** This section and schedule 3 are laws to which the *Acts Interpretation Act 1954*, section 20A applies.

16

17

‘**(15)** This section and schedule 3 expire on the day this subsection commences.’.

18

19

	Amendment of s 6 (Interpretation)	1
Clause	5.(1) Section 6, heading—	2
	<i>omit, insert—</i>	3
	‘Definitions’.	4
	(2) Section 6, definitions “officer of the Queensland Fire Service” and “Queensland Fire Service” —	5
	<i>omit.</i>	6
	(3) Section 6—	7
	<i>insert—</i>	8
	“approved form” see section 153B. ¹	9
	“approved superannuation scheme” means—	10
	(a) the fire service superannuation scheme; or	11
	(b) a superannuation scheme approved under section 41(2B).	12
	“broadcasting service” means a service that delivers television or radio programs to persons having equipment appropriate for receiving the service.	13
	“broadcasting service” means a service that delivers television or radio programs to persons having equipment appropriate for receiving the service.	14
	“broadcasting service” means a service that delivers television or radio programs to persons having equipment appropriate for receiving the service.	15
	“broadcasting service” means a service that delivers television or radio programs to persons having equipment appropriate for receiving the service.	16
	“fire ban area” see section 86A.	17
	“fire service” means the Queensland Fire Service.	18
	“fire service officer” means a person appointed to, or employed in, the fire service, but does not include the person holding office as commissioner.	19
	“fire service officer” means a person appointed to, or employed in, the fire service, but does not include the person holding office as commissioner.	20
	“fire service officer” means a person appointed to, or employed in, the fire service, but does not include the person holding office as commissioner.	21
	“fire service superannuation scheme” see section 41(1).	22
	“local fire ban” see section 86A.’.	23
	“local fire ban” see section 86A.’.	23
	Replacement of s 19	24
Clause	6. Section 19—	25
	<i>omit, insert—</i>	26

¹ Section 153B (Approval of forms)

‘Delegation by commissioner

‘19.(1) The commissioner may delegate the commissioner’s powers under this Act to a fire service officer, an officer of a rural fire brigade, a chief fire warden or a fire warden.

‘(2) In subsection (1), a reference to the commissioner’s powers includes a reference to the commissioner’s powers as an authorised fire officer.’.

Amendment of s 25 (Personnel of Queensland Fire Service)

Clause **7.** Section 25(4)—
omit.

Insertion of new s 25A

Clause **8.** After section 25—
insert—

‘Application of employment laws

‘25A.(1) The *Public Service Management and Employment Act 1988* does not apply to fire service officers.

‘(2) Fire service officers (other than persons appointed, employed or engaged as auxiliary fire officers) are public sector employees within the meaning of the *Public Sector Management Commission Act 1990*.’.

Replacement of s 31

Clause **9.** Section 31—
omit, insert—

‘Implementation of order

‘31. An order about disciplinary action must not be implemented—

- (a) if an appeal about the disciplinary action is started under the *Public Sector Management Commission Act 1990*—until after the determination or withdrawal of the appeal or the appeal lapses, whichever happens first; or

Emergency Services Legislation Amendment

- (b) if an appeal about the disciplinary action is not started under that Act—until the time for starting an appeal has ended.’. 1
2

Omission of ss 34–40 3

- Clause **10.** Sections 34 to 40— 4
omit. 5

Amendment of s 41 (Superannuation scheme) 6

- Clause **11.(1)** Section 41, heading— 7
omit, insert— 8

‘Superannuation schemes’. 9

- (2) Section 41(1)(a), ‘(the “**superannuation scheme**”)’— 10
omit, insert— 11

‘(the “**fire service superannuation scheme**”)’.

- (3) Section 41(1)(b) and (d) and (2), ‘the superannuation scheme’— 13
omit, insert— 14

‘the fire service superannuation scheme’.

- (4) Section 41(2A), ‘the scheme’— 16
omit, insert— 17

‘the fire service superannuation scheme’.

- (5) Section 41— 19
insert— 20

‘(2B) The Governor in Council may approve a superannuation scheme for this section.’. 21
22

- (6) Section 41(3), ‘the superannuation scheme’— 23
omit, insert— 24

‘an approved superannuation scheme’.

- (7) Section 41(3), ‘contribute to the scheme’— 26

Emergency Services Legislation Amendment

<i>omit, insert—</i>	1
‘contribute to an approved superannuation scheme’.	2
(8) Section 41(4), ‘A contributor referred to in subsection (3)’—	3
<i>omit, insert—</i>	4
‘A contributor to the fire service superannuation scheme’.	5
(9) Section 41(4), ‘the superannuation scheme’—	6
<i>omit, insert—</i>	7
‘the scheme’.	8
(10) Section 41(4A), ‘the superannuation scheme’—	9
<i>omit, insert—</i>	10
‘the fire service superannuation scheme’.	11
(11) Section 41(5), ‘contribute to the superannuation scheme’—	12
<i>omit, insert—</i>	13
‘contribute to the fire service superannuation scheme’.	14
(12) Section 41(5), ‘pay to the superannuation scheme’—	15
<i>omit, insert—</i>	16
‘pay to the scheme’.	17
(13) Section 41(5), ‘contribution to the superannuation scheme’—	18
<i>omit, insert—</i>	19
‘contribution to the scheme’.	20

	Amendment of s 42 (Trustees of superannuation scheme)	21
--	--	----

Clause	12.(1) Section 42, heading—	22
	<i>omit, insert—</i>	23
	‘Trustees of fire service superannuation scheme’.	24
	(2) Section 42(1), (4) and (5), ‘the superannuation scheme’—	25

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	<i>omit, insert—</i>	1
	‘the fire service superannuation scheme’.	2
	Amendment of s 44 (Powers and functions of trustees)	3
Clause	13. Section 44, ‘the superannuation scheme’—	4
	<i>omit, insert—</i>	5
	‘the fire service superannuation scheme’.	6
	Amendment of s 46 (Employees of trustees may be contributors to scheme)	7
		8
Clause	14. Section 46, ‘the superannuation scheme’—	9
	<i>omit, insert—</i>	10
	‘the fire service superannuation scheme’.	11
	Insertion of new pt 8, div 1 and hdg	12
Clause	15. Part 8, before section 87—	13
	<i>insert—</i>	14
	<i>‘Division 1—Local fire bans</i>	15
	‘Imposing local fire ban	16
	‘86A.(1) If the commissioner considers a fire emergency exists in a local government’s area, the commissioner may impose a fire ban (a “local fire ban”) in the area.	17 18 19
	‘(2) A local fire ban may—	20
	(a) be imposed for an entire local government area or part of a local government area; and	21 22
	(b) prohibit the lighting of all, or only certain, types of fires.	23
	‘(3) The area to which a local fire ban applies is called the “fire ban area” .	24 25

‘Publicising local fire ban

- ‘**86B.(1)** A local fire ban may be imposed—
- (a) by notice (a **“newspaper notice”**) published in a newspaper circulating in the fire ban area; or
 - (b) by notice (a **“broadcast notice”**) transmitted by a broadcasting service generally able to be received by persons in the fire ban area.
- ‘**(2)** However, a local fire ban may be imposed by a broadcast notice only if the commissioner considers—
- (a) it is necessary because of urgent circumstances relating to the fire emergency; and
 - (b) imposing the ban by a newspaper notice would result in a delay that was undesirable, having regard to the urgent circumstances.
- ‘**(3)** The newspaper or broadcast notice must—
- (a) state the local government area to which the ban applies and, if appropriate, describe the part of the local government area to which it applies; and
 - (b) state the fires the lighting of which is prohibited; and
 - (c) state the period of the ban (not longer than 14 days).
- ‘**(4)** As well as using a newspaper or broadcast notice to impose a local fire ban, the commissioner may cause the ban to be publicised in any other way the commissioner considers appropriate.

‘Cancelling local fire ban

- ‘**86C.(1)** If, while a local fire ban is in force, the commissioner considers the fire emergency for which the ban was imposed has ceased to exist, the commissioner must cancel the ban.
- ‘**(2)** The cancellation may be made—
- (a) by notice (a **“newspaper notice”**) published in a newspaper circulating in the fire ban area; or
 - (b) by notice (a **“broadcast notice”**) transmitted by a broadcasting service generally able to be received by persons in the fire ban

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area.

‘(3) However, a local fire ban may be cancelled by a broadcast notice only if the commissioner considers a newspaper notice would unnecessarily delay the cancellation of the ban.

‘(4) As well as using a newspaper or broadcast notice to cancel a local fire ban, the commissioner may cause the cancellation of the ban to be publicised in any other way the commissioner considers appropriate.

‘Period of local fire ban

‘86D.(1) A local fire ban imposed by a notice published in a newspaper takes effect from the day the notice is published.

‘(2) A local fire ban imposed by a notice transmitted by a broadcasting service takes effect from the day and time stated in the notice.

‘(3) For subsection (2), the day and time must not be before the notice is transmitted.

‘(4) A local fire ban remains in force until 1 of the following events happens—

- (a) the period of the ban stated in the notice imposing the ban ends;
- (b) the ban is cancelled.

‘Effect of local fire ban on other authorisations to light fires

‘86E. While a local fire ban remains in force, any authority given under this or another Act to light a fire in the fire ban area ceases to have effect, to the extent to which the authority applies to fires the lighting of which is prohibited under the ban.

‘Contravening local fire ban

‘86F. While a local fire ban is in force, a person must not light a fire in the fire ban area if the lighting of the fire is prohibited under the ban.

Maximum penalty—50 penalty units or 6 months imprisonment.

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‘Evidentiary aid about local fire ban

‘86G. In a proceeding for an offence against section 86F, a certificate purporting to be signed by the commissioner stating the following matters is evidence of the matters—

- (a) on a stated day, or during a stated period, a local fire ban was in force at a stated place;
- (b) the types of fire the lighting of which was prohibited under the ban.

‘Division 2—Declarations of state of fire emergency’.

Amendment of s 92 (Failure to comply with declaration)

Clause **16.** Section 92, words after ‘offence’—

omit, insert—

‘against this Act.

Maximum penalty—250 penalty units or 2 years imprisonment.’.

Amendment of s 93 (Certificate re declaration)

Clause **17.** Section 93, ‘, and in the absence of evidence to the contrary conclusive evidence,’—

omit.

Amendment of s 94 (Interpretation of part)

Clause **18.** Section 94, definition “**dangerous goods**”, paragraphs (a) and (b),

‘by order in council’—

omit, insert—

‘under a regulation’.

	Amendment of s 104 (Punishment for certain offences against this part)	1 2
Clause	19. Section 104, words after paragraph (c)—	3
	<i>omit, insert—</i>	4
	‘is liable to a maximum penalty of 250 penalty units or 1 year’s imprisonment’.	5 6
	Amendment of s 104H (Prohibition on prescribed use without certificate of compliance)	7 8
Clause	20.(1) Section 104H(1), ‘The Governor in Council’ to ‘unless’—	9
	<i>omit, insert—</i>	10
	‘A regulation may prohibit the use of a building as prescribed under the regulation unless’.	11 12
	(2) Section 104H(2), ‘An order in council’—	13
	<i>omit, insert—</i>	14
	‘A regulation’.	15
	(3) Section 104H(2)(a), ‘prescribed by’—	16
	<i>omit, insert—</i>	17
	‘specified in’.	18
	(4) Section 104H(2)(a), ‘, upon the recommendation of the Minister,’—	19
	<i>omit.</i>	20
	(5) Section 104H(2)(a), ‘so prescribed’—	21
	<i>omit, insert—</i>	22
	‘specified in schedule 5’.	23
	(6) Section 104H(2)(b), ‘order’—	24
	<i>omit, insert—</i>	25
	‘regulation’.	26
	(7) Section 104H(3), ‘An order in council’ to ‘revoke’—	27
	<i>omit, insert—</i>	28

Emergency Services Legislation Amendment

	‘A regulation may revoke’.	1
	(8) Section 104H(3), ‘the order’—	2
	<i>omit, insert</i> —	3
	‘the regulation’.	4
	(9) Section 104H(4), ‘an order in council’—	5
	<i>omit, insert</i> —	6
	‘a regulation’.	7
	Amendment of s 104I (Certificate of compliance)	8
Clause	21.(1) Section 104I(1), ‘an order in council’—	9
	<i>omit, insert</i> —	10
	‘a regulation’.	11
	(2) Section 104I(1), ‘the order’—	12
	<i>omit, insert</i> —	13
	‘the regulation’.	14
	(3) Section 104I(2)(a) and (b), ‘by the regulations’—	15
	<i>omit, insert</i> —	16
	‘under a regulation’.	17
	Amendment of s 104L (Persons aggrieved by notice may object)	18
Clause	22. Section 104L(2), ‘the prescribed fee’—	19
	<i>omit, insert</i> —	20
	‘the fee prescribed under a regulation’.	21
	Amendment of s 105 (Definitions)	22
Clause	23. Section 105, definition “ prescribed property ”, paragraph (e), ‘by order in council’—	23
		24

Emergency Services Legislation Amendment

	<i>omit, insert—</i>	1
	‘under a regulation’.	2
	Amendment of s 106 (Constitution of urban districts)	3
Clause	24.(1) Section 106(1), ‘The Governor in Council may, by order in council—’—	4
	<i>omit, insert—</i>	5
	‘A regulation may—’.	6
	(2) Section 106(2), ‘, and in the absence of evidence to the contrary conclusive evidence,’—	7
	<i>omit.</i>	8
	Amendment of s 108 (Annual contributions of owners of prescribed properties)	9
		10
		11
		12
Clause	25.(1) Section 108(1)—	13
	<i>omit, insert—</i>	14
	‘ 108.(1) A regulation may prescribe the amounts of the contributions to be paid by owners of prescribed properties for a financial year.’.	15
	(2) Section 108(2), ‘The Governor in Council’—	16
	<i>omit, insert—</i>	17
	‘A regulation under subsection (1)’.	18
	(3) Section 108(3)—	19
	<i>omit, insert—</i>	20
	‘ (3) Categorisation of prescribed properties is to be on the bases stated in the regulation.	21
	‘ <i>Examples of the bases on which prescribed properties may be categorised—</i>	22
	1. The purposes for which properties are used.	23
	2. The nature and availability of services supplied by fire service entities servicing properties.	24
	3. The nature and availability of facilities of fire service entities servicing	25
		26
		27
		28

Emergency Services Legislation Amendment

	properties.	1
4.	The urban district or class of urban districts in which properties are located.	2
5.	A combination of all or any of examples 1, 2, 3 and 4.’.	3
	(4) Section 108(4), ‘an order in council’—	4
	<i>omit, insert</i> —	5
	‘a regulation’.	6
	(5) Section 108(4), ‘the order in council’—	7
	<i>omit, insert</i> —	8
	‘the regulation’.	9
	Amendment of s 109 (Annual returns by component local governments)	10
		11
Clause	26. Section 109(1), ‘the prescribed particulars’—	12
	<i>omit, insert</i> —	13
	‘the particulars prescribed under a regulation’.	14
	Amendment of s 110 (Discount for pensioners)	15
Clause	27.(1) Section 110(1), definition “ pensioner ”, ‘by order in council’—	16
	<i>omit, insert</i> —	17
	‘under a regulation’.	18
	(2) Section 110(2), ‘from time to time by order in council’—	19
	<i>omit, insert</i> —	20
	‘by regulation’.	21
	(3) Section 110(2), ‘in the order in council’—	22
	<i>omit, insert</i> —	23
	‘in the regulation’.	24

Emergency Services Legislation Amendment

	Amendment of s 112 (Determinations and notifications of contributions)	1 2
Clause	28. Section 112(1)(b), ‘by the relevant order in council’— <i>omit, insert—</i> ‘under a regulation’.	3 4 5
	Amendment of s 113 (Appeal against local government’s determination)	6 7
Clause	29.(1) Section 113(1)(b), ‘the relevant order in council’— <i>omit, insert—</i> ‘a regulation’. (2) Section 113(1)(c), ‘by order in council’— <i>omit, insert—</i> ‘under a regulation’.	8 9 10 11 12 13
	Amendment of s 117 (Collection fee)	14
Clause	30. Section 117, ‘a prescribed amount’— <i>omit, insert—</i> ‘an amount prescribed under a regulation’.	15 16 17
	Amendment of s 118 (Payments by component local government’s to commissioner)	18 19
Clause	31.(1) Section 118(4), ‘the prescribed return’— <i>omit, insert—</i> ‘a return in the approved form’. (2) Section 118(5), definition “ declared period ”, ‘by order in council’— <i>omit, insert—</i> ‘under a regulation,’.	20 21 22 23 24 25

Emergency Services Legislation Amendment

	Amendment of s 119 (Failure by component local government to make payment)	1 2
Clause	32. Section 119(1), ‘by order in council’—	3
	<i>omit, insert—</i>	4
	‘under a regulation’.	5
	Amendment of s 123 (Recovery of arrears)	6
Clause	33. Section 123(2), definition “ prescribed rate ”, ‘by order in council’—	7
	<i>omit, insert—</i>	8
	‘under a regulation’.	9
	Amendment of s 125 (Proof of amounts owing re contributions)	10
Clause	34. Section 125, ‘, and in the absence of evidence to the contrary conclusive evidence,’—	11 12
	<i>omit.</i>	13
	Amendment of s 144 (Charges for services)	14
Clause	35.(1) Section 144(1), ‘by order in council’—	15
	<i>omit, insert—</i>	16
	‘under a regulation’.	17
	(2) Section 144(13), ‘, and in the absence of evidence to the contrary conclusive evidence,’—	18 19
	<i>omit.</i>	20
	Amendment of s 148 (Prosecutions)	21
Clause	36.(1) Section 148(1), ‘on complaint’ to ‘case’—	22
	<i>omit.</i>	23
	(2) Section 148(2) and (3)—	24
	<i>omit.</i>	25

	Amendment of s 149 (General penalty)	1
Clause	37.(1) Section 149(1), words after ‘against this Act’—	2
	<i>omit, insert—</i>	3
	‘is liable to a maximum penalty of 50 penalty units or 6 months imprisonment’.	4
		5
	(2) Section 149(2), words after ‘the offender’—	6
	<i>omit, insert—</i>	7
	‘is liable to a maximum penalty of 250 penalty units or 1 year’s imprisonment’.	8
		9
	Amendment of s 153 (Evidentiary)	10
Clause	38. Section 153(f) and (g), ‘, and in the absence of evidence to the contrary conclusive evidence,’—	11
	<i>omit.</i>	12
		13
	Insertion of new s 153B	14
Clause	39. After section 153A—	15
	<i>insert—</i>	16
	‘Approval of forms	17
	‘153B. The chief executive may approve forms for use under this Act.’.	18
	Amendment of s 154 (Regulations)	19
Clause	40.(1) Section 154, heading—	20
	<i>omit, insert—</i>	21
	‘Regulation making power’.	22
	(2) Section 154(1)—	23
	<i>omit, insert—</i>	24
	‘154.(1) The Governor in Council may make regulations under this Act.’.	25
		26

Emergency Services Legislation Amendment

- (3) Section 154(2), words before paragraph (b)— 1
omit, insert— 2
 ‘(2) A regulation may be made for or about—’. 3
 (4) Section 154(2)(b), (c), (d) and (e)— 4
renumber as paragraphs (a), (b), (c) and (d). 5
 (5) Section 154(3)— 6
omit. 7
 (6) Section 154(5)— 8
renumber as subsection (3). 9

Insertion of new part 12 10

- Clause 41. After section 154— 11
insert— 12

‘PART 12—TRANSITIONAL PROVISIONS 13

‘Definition 14

- ‘155. In this part— 15
“commencement day” means the day of commencement of the 16
Emergency Services Legislation Amendment Act 1995, section 10. 17

‘Continuation of appeals 18

- ‘156.(1) This section applies if— 19
 (a) before the commencement day, a fire service officer appealed 20
 against— 21
 (i) a decision involving the taking of disciplinary action against 22
 the officer; or 23
 (ii) a decision suspending the officer from duty without salary 24
 for the period of suspension; or 25
 (iii) a promotional appointment; and 26

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(b) the appeal was not decided before the commencement day.	1
‘(2) This section applies despite the <i>Emergency Services Legislation Amendment Act 1995</i> , section 10 and section 25A(2) of this Act.	2 3
‘(3) The appeal must be heard, or continue to be heard, and decided, under this Act as if the <i>Emergency Services Legislation Amendment Act 1995</i> had not been enacted.	4 5 6
‘(4) This section, and section 155, expire 12 months after the commencement of this section.	7 8
‘Forms	9
‘157.(1) This section applies if—	10
(a) immediately before its commencement, there was a prescribed form for a matter; and	11 12
(b) on the commencement, there is to be an approved form for the matter.	13 14
‘(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.	15 16 17
‘(3) This section expires 3 months after it commences.	18
‘References to officer of the Queensland Fire Service	19
‘158.(1) In this Act, a reference to an officer of the Queensland Fire Service is a reference to a fire service officer.	20 21
‘(2) This section expires on the date of the first reprint of the Act produced under the <i>Reprints Act 1992</i> .	22 23
‘Annual contributions (excluding 1994–95 financial year)	24
‘159.(1) This section applies to amounts prescribed, or purporting to have been prescribed, before the commencement of this section, for section 108 as contributions for a financial year, other than the financial year starting 1 July 1994.	25 26 27 28
‘(2) To remove any doubt, it is declared that the amounts were, and	29

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always have been, validly prescribed as the contributions for the financial year.	1 2
‘(3) This section expires on the day of its commencement.’	3
‘Annual contributions for 1994–95 financial year	4
‘160.(1) This section applies to amounts prescribed, or purporting to have been prescribed, as contributions for section 108 under the <i>Fire Service Regulation 1990</i> , as in force immediately after the commencement of the <i>Fire Service Amendment Regulation (No. 2) 1994</i> .	5 6 7 8
‘(2) It is declared that the amounts were, and always have been, validly prescribed as the contributions for the financial year starting 1 July 1994.	9 10
‘(3) This section expires on the day of its commencement.’.	11
Amendment of sch 4 (Matters concerning operation of the rural fire council and the trustees of the superannuation scheme)	12 13
Clause 42.(1) Schedule 4, heading, ‘the superannuation scheme’—	14
<i>omit, insert—</i>	15
‘the fire service superannuation scheme’.	16
(2) Schedule 4, section 1, heading—	17
<i>omit, insert—</i>	18
‘Definitions’.	19
(3) Schedule 4, section 1, definitions “ board ” and “ member ”, ‘the superannuation scheme’—	20 21
<i>omit, insert—</i>	22
‘the fire service superannuation scheme’.	23
(4) Schedule 4, section 5(1), ‘, acting on the recommendation of the Minister, may, by notification published in the gazette,’—	24 25
<i>omit, insert—</i>	26
‘may’.	27
(5) Schedule 4, section 6, ‘may be prescribed’—	28

omit, insert— 1

‘may be prescribed under a regulation’. 2

Amendment of sch 5 (Prescribed uses of buildings) 3

Clause 43. Schedule 5, heading— 4

omit, insert— 5

‘USES OF BUILDINGS’. 6

**PART 3—AMENDMENT OF STATE
COUNTER-DISASTER ORGANIZATION ACT 1975** 7
8

Act amended in pt 3 9

Clause 44. This part amends the *State Counter-Disaster Organization Act 1975*. 10

Amendment of s 1 (Short title) 11

Clause 45. Section 1, ‘*Organization*’— 12

omit, insert— 13

‘*Organisation*’. 14

Amendment of s 4 (Repeal and savings) 15

Clause 46.(1) Section 4, heading— 16

omit, insert— 17

‘Relationship with other laws’. 18

(2) Section 4(1) and (2)— 19

omit. 20

Emergency Services Legislation Amendment

	Amendment of s 6 (Interpretation)	1
Clause	47.(1) Section 6, heading—	2
	<i>omit, insert—</i>	3
	‘Definitions’.	4
	(2) Section 6, definitions “Combined Local Authorities”, “Director”, “Local Authority”, “Minister”, “regional operations officer”, “vehicle” and “vessel” —	5 6 7
	<i>omit.</i>	8
	(3) Section 6—	9
	<i>insert—</i>	10
	“approved form” see section 37.2	11
	“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.	12 13 14
	“combined local governments” means local governments that have united with one another for counter-disaster purposes.	15 16
	“director” means an officer of the department nominated by the chief executive as the executive director (counter-disaster services).	17 18
	“emergency related function” see section 14(3).	19
	“SES” means the State Emergency Service.	20
	“SES member” means a person in the SES.	21
	“SES vehicle” means a vehicle of the SES.	22
	“vehicle” includes a boat.’.	23
	(4) Section 6, definition “resources” , ‘vessel,’—	24
	<i>omit.</i>	25

² Section 37 (Approval of forms)

	Amendment of s 9 (State Counter-Disaster Organization)	1
Clause	48. Section 9(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The organisation consists of—	4
	(a) the members of the central control group; and	5
	(b) any other persons appointed by the Governor in Council.’.	6
	Amendment of s 11 (Business of Organization)	7
Clause	49. Section 11, ‘manner prescribed or, so far as not prescribed, as’—	8
	<i>omit, insert—</i>	9
	‘way’.	10
	Amendment of s 12 (Central Control Group)	11
Clause	50.(1) Section 12(1), ‘those members’ to ‘executive officer’—	12
	<i>omit, insert—</i>	13
	‘persons appointed by the Governor in Council’.	14
	(2) Section 12—	15
	<i>insert—</i>	16
	‘ (1A) The Governor in Council must appoint—	17
	(a) a member of the group to be chairperson of the group; and	18
	(b) another member of the group to be the executive officer of the	19
	group.’.	20
	(3) Section 12(3), ‘prescribed’—	21
	<i>omit, insert—</i>	22
	‘prescribed under a regulation’.	23
	(4) Section 12(5), ‘manner prescribed or, so far as not prescribed, as’—	24
	<i>omit, insert—</i>	25
	‘way’.	26

	Amendment of s 13 (State Emergency Service)	1
Clause	51. Section 13(3) and (4)—	2
	<i>omit.</i>	3
	Amendment of s 14 (Functions of State Emergency Service)	4
Clause	52. Section 14—	5
	<i>insert—</i>	6
	‘ (2) The SES also has the following functions—	7
	(a) to carry out rescue or similar operations in an emergency situation;	8
	(b) to carry out search operations in an emergency or other situation;	10
	(c) to carry out other operations in an emergency situation to—	11
	(i) help injured persons; or	12
	(ii) protect persons or property from danger or potential danger associated with the emergency situation.	13
	‘ (3) A function mentioned in subsection (2) is called an “ emergency related function ”.’.	15
		16
	Insertion of new ss 14A and 14B	17
Clause	53. After section 14—	18
	<i>insert—</i>	19
	‘Appointment of authorised officers	20
	‘ 14A. The director may appoint SES members, or members of a class of SES members, as authorised officers.	21
		22
	‘Powers of authorised officers	23
	‘ 14B.(1) To help the SES perform an emergency related function, an authorised officer may—	24
	(a) take reasonable steps—	25
		26

Emergency Services Legislation Amendment

	(i) to protect persons trapped in a vehicle or receptacle or endangered in another way; and	1 2
	(ii) to protect the officer or other authorised officers or persons from danger, potential danger or assault from other persons; and	3 4 5
	(b) if it is necessary and reasonable in the circumstances—do any of the acts mentioned in subsection (2).	6 7
	‘(2) For subsection (1)(b), the acts an authorised officer may do are—	8
	(a) enter any premises or vehicle; and	9
	(b) open a receptacle, using force that is necessary and reasonable; and	10 11
	(c) bring any apparatus or equipment onto premises; and	12
	(d) remove any article or material from a place, or otherwise deal with the article or material; and	13 14
	(e) destroy (entirely or partially), or damage, any premises, vehicle or receptacle; and	15 16
	(f) ask a person to give the authorised officer reasonable help to exercise the authorised officer’s powers under paragraphs (a) to (e).	17 18 19
	‘(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.’.	20 21 22
	Amendment of s 15 (Powers and duties of Director generally)	23
Clause	54. Section 15(d), ‘(other than controllers)’— <i>omit.</i>	24 25
	Amendment of s 16 (Powers and duties of Director as executive officer)	26 27
Clause	55. Section 16, words before paragraph (a)— <i>omit, insert—</i>	28 29

	‘Executive officer’s functions	1
	‘16. The executive officer of the central control group—’.	2
	Amendment of s 18 (Declaration of regions)	3
Clause	56. Section 18, ‘Order in Council’—	4
	<i>omit, insert—</i>	5
	‘gazette notice’.	6
	Omission of s 19 (Appointment of regional operations officer)	7
Clause	57. Section 19—	8
	<i>omit.</i>	9
	Amendment of s 20 (Disaster districts)	10
Clause	58. Section 20(1), ‘Order in Council’—	11
	<i>omit, insert—</i>	12
	‘gazette notice’.	13
	Amendment of s 21 (Disaster district control groups)	14
Clause	59.(1) Section 21(1), ‘by Order in Council’—	15
	<i>omit.</i>	16
	(2) Section 21(1) and (2), ‘prescribed’—	17
	<i>omit, insert—</i>	18
	‘prescribed under a regulation’.	19
	(3) Section 21(3) and (4), ‘prescribed or’—	20
	<i>omit, insert—</i>	21
	‘prescribed under a regulation or’.	22

	Replacement of s 22	1
Clause	60. Section 22—	2
	<i>omit, insert—</i>	3
	‘Delegations	4
	‘ 22.(1) The Minister may delegate the Minister’s powers under this Act to an officer or employee of the public service.	5
		6
	‘ (2) The chairperson may delegate the chairperson’s powers under this Act to an officer or employee of the public service.	7
		8
	‘ (3) The director may delegate the director’s powers under this Act to an officer or employee of the public service.	9
		10
	‘ (4) A disaster district co-ordinator for a disaster district control group may delegate the co-ordinator’s powers under this Act to another member of the group.’.	11
		12
		13
	Amendment of s 23 (Power of disaster district co-ordinator to declare state of disaster)	14
		15
Clause	61.(1) Section 23(2)(a), ‘prescribed form’—	16
	<i>omit, insert—</i>	17
	‘approved form’.	18
	(2) Section 23(2)(c), ‘Order in Council’—	19
	<i>omit, insert—</i>	20
	‘a regulation’.	21
	(3) Section 23(3), ‘Order in Council’—	22
	<i>omit, insert—</i>	23
	‘regulations’.	24
	(4) Section 23(3), ‘the Governor in Council thinks fit’—	25
	<i>omit, insert—</i>	26
	‘are stated in the regulations’.	27

	Amendment of s 24 (Power of Governor in Council to declare state of disaster)	1
		2
Clause	62.(1) Section 24(1), ‘upon the recommendation of the Minister, by Order in Council’—	3
		4
	<i>omit, insert</i> —	5
	‘by regulation’.	6
	(2) Section 24(2)(a)(i) and (ii)—	7
	<i>omit, insert</i> —	8
	(i) comes into force when the regulation is made; and	9
	(ii) continues in force for 14 days from the date the regulation is made, unless sooner revoked.’	10
		11
	(3) Section 24(2)(b), ‘Order in Council’—	12
	<i>omit, insert</i> —	13
	‘regulations’.	14
	(4) Section 24(2)(b), ‘the Governor in Council thinks fit’—	15
	<i>omit, insert</i> —	16
	‘are stated in the regulations’.	17
	(5) Section 24(3), ‘Order in Council’—	18
	<i>omit, insert</i> —	19
	‘regulation’.	20
	Amendment of s 25 (Powers upon declaration of state of disaster)	21
Clause	63.(1) Section 25(1)(a)(v), ‘prescribed procedures’—	22
	<i>omit, insert</i> —	23
	‘procedures prescribed under a regulation’.	24
	(2) Section 25(2)(b)(iii), ‘or vessel’—	25
	<i>omit.</i>	26

	Amendment of s 26 (Duties as to counter-disaster measures)	1
Clause	64.(1) Section 26(1)(c), (3)(c) and (4), ‘as prescribed’—	2
	<i>omit, insert—</i>	3
	‘as prescribed under a regulation’.	4
	(2) Section 26(5), ‘the Minister’—	5
	<i>omit, insert—</i>	6
	‘the director’.	7
	(3) Section 26(5), ‘, in accordance with the prescribed procedure’—	8
	<i>omit.</i>	9
	(4) Section 26(5), ‘as are prescribed’—	10
	<i>omit, insert—</i>	11
	‘as are prescribed under a regulation’.	12
	 Insertion of new ss 28A and 28B	13
Clause	65. Part 5—	14
	<i>insert—</i>	15
	‘Warning devices and lights on vehicles	16
	‘28A.(1) Warning devices or warning lights in or on an SES vehicle	17
	may be sounded or activated while the vehicle is moving only by an SES	18
	member.	19
	‘(2) However, an SES member may sound the warning devices, or	20
	activate the warning lights, only if the member—	21
	(a) is acting in the performance of the member’s functions in an	22
	emergency; and	23
	(b) considers it is necessary to sound the devices or activate the	24
	lights.	25
	 ‘Exemption from tolls	26
	‘28B.(1) This section applies if—	27

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- (a) an SES member is travelling in an SES vehicle in the performance of the member's functions in an emergency; and 1
2
- (b) warning devices or warning lights in or on the vehicle are sounding or activated. 3
4

'(2) A toll is not payable for the vehicle for use of any road, bridge or vehicular ferry.' 5
6

Amendment of s 31 (Offences generally and penalty) 7

- Clause 66. Section 31(3), 'a penalty of \$500'— 8
omit, insert— 9
'a maximum penalty of 10 penalty units'. 10

Amendment of s 32 (Proceedings for offences) 11

- Clause 67. Section 32, 'upon the complaint' to 'the Minister'— 12
omit. 13

Amendment of s 34 (Evidentiary provisions) 14

- Clause 68. Section 34, 'and, in the absence of evidence to the contrary, conclusive evidence'— 15
omit. 16
17

Omission of s 34A (Annual report) 18

- Clause 69. Section 34A— 19
omit. 20

Replacement of ss 37 and 38 21

- Clause 70. Sections 37 and 38— 22
omit, insert— 23

‘Approval of forms	1
‘37. The chief executive may approve forms for use under this Act.	2
‘Regulation making power	3
‘38.(1) The Governor in Council may make regulations under this Act.	4
‘(2) A regulation may—	5
(a) create offences against the regulation; and	6
(b) fix a maximum penalty of a fine of 2 penalty units for an offence against the regulation.	7 8
‘PART 6—TRANSITIONAL PROVISIONS	9
‘Forms	10
‘39.(1) This section applies if—	11
(a) immediately before its commencement, there was a prescribed form for a matter; and	12 13
(b) on the commencement, there is to be an approved form for the matter.	14 15
‘(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.	16 17 18
‘(3) This section expires 3 months after it commences.	19
‘References to combined local authorities	20
‘40.(1) In this Act, a reference to combined local authorities is a reference to combined local governments.	21 22
‘(2) This section expires on the date of the first reprint of the Act produced under the <i>Reprints Act 1992</i> .	23 24

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‘References to State Emergency Service

1

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

2

3

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

4

5

6