



Queensland

Disaster Management Amendment Bill 2014



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Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of the Disaster Management Act 2003	
2	Act amended	6
3	Replacement of pt 2, div 1, hdg (State Disaster Management Group) Division 1 Queensland Disaster Management Committee	6
4	Replacement of s 17 (Establishment).	6
	17 Establishment	6
5	Amendment of s 18 (Functions)	7
6	Replacement of ss 19 and 20.	7
	19 Membership	7
	19A Persons who are to assist or carry out other activities relating to the State group	7
	20 Chairperson and deputy chairperson	8
7	Amendment of s 21B (State disaster coordinator)	8
8	Amendment of s 21D (State recovery coordinator)	9
9	Replacement of ss 24 and 25	9
	24 Membership	10
	25 Chairperson and deputy chairperson	10
10	Replacement of ss 28B and 28C	10
	28B Membership	10
	28C Chairperson and deputy chairperson	11
11	Replacement of ss 33 and 34.	11
	33 Membership	11
	34 Chairperson and deputy chairperson	12
12	Amendment of s 37 (Notice about membership of local group) . .	12

Contents

13	Replacement of ss 38–43.	12
	38 Conduct of business and meetings	12
14	Amendment of s 44 (Annual report).	13
15	Omission of s 45 (Minister may give directions).	13
16	Amendment of s 48 (Committees)	13
17	Amendment of s 143 (Delegations)	13
18	Replacement of pt 14, div 2, sdiv 4, hdg (Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010)	14
	Division 3 Other transitional provisions	
	Subdivision 1 Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010	
19	Amendment of s 166 (Definitions for sdiv 4).	14
20	Insertion of new pt 14, div 3, sdiv 2	14
	Subdivision 2 Transitional provisions for Disaster Management Amendment Act 2014	
	174 Definitions for sdiv 2	14
	175 Dissolution of former State group.	15
	176 References to former State group	15
	177 Continuation of State disaster management plan	15
	178 Continuation of State disaster coordinator and State recovery coordinator.	15
	179 Continuation of membership of continuing groups	16
	180 Continuation of chairpersons and deputy chairpersons of continuing groups.	16
21	Amendment of schedule (Dictionary).	16
Part 3	Other matters	
22	Making of <i>Disaster Management Regulation 2014</i>	17
23	Automatic repeal.	17
Schedule 1	Disaster Management Regulation 2014	18
Part 1	Preliminary	
1	Short title	18
Part 2	Disaster management groups—membership and other matters	
2	Members of State group—Act, s 19.	18
3	Persons to assist or carry out other activities relating to the State group—Act, s 19A	19
4	Chairperson and deputy chairperson of the State group—Act, s 20	19

5	Membership of district groups—Act, s 24	20
6	Chairperson and deputy chairperson of district groups—Act, s 25	21
7	Membership of temporary district groups—Act, s 28B	22
8	Chairperson and deputy chairperson of temporary district groups—Act, s 28C	22
9	Membership of local groups—Act, s 33	23
10	Chairperson and deputy chairperson of local groups—Act, s 34	23
Part 3	Business and meetings of disaster management groups	
11	Purpose of pt 3	24
12	Times and places of meetings	24
13	Quorum	25
14	Meeting deputies for particular members	25
15	Deputies for officials of State group	25
16	Presiding at meetings	26
17	Conduct of meetings	26
18	Minutes	27

2014

A Bill

for

An Act to amend the *Disaster Management Act 2003* and to make a regulation under the *Disaster Management Act 2003* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Disaster Management
Amendment Act 2014*. 4
5

**Part 2 Amendment of the Disaster
Management Act 2003** 6
7

Clause 2 Act amended 8

This part amends the *Disaster Management Act 2003*. 9

**Clause 3 Replacement of pt 2, div 1, hdg (State Disaster
Management Group)** 10
11

Part 2, division 1, heading— 12

omit, insert— 13

Division 1 Queensland Disaster 14

Management Committee 15

Clause 4 Replacement of s 17 (Establishment) 16

Section 17— 17

omit, insert— 18

17 Establishment 19

The Queensland Disaster Management Committee 20

(the *State group*) is established. 21

Clause 5	Amendment of s 18 (Functions)	1
	Section 18(e), ‘to the Minister’—	2
	<i>omit, insert</i> —	3
	that the State group considers appropriate	4
Clause 6	Replacement of ss 19 and 20	5
	Sections 19 and 20—	6
	<i>omit, insert</i> —	7
	19 Membership	8
	(1) The State group consists of the following members—	9 10
	(a) the persons prescribed by regulation;	11
	(b) other persons invited by the chairperson of the State group to be members of the group.	12 13
	(2) If the chairperson of the State group invites a person to be a member of the group under subsection (1)(b), the person’s membership is subject to the conditions decided by the chairperson.	14 15 16 17 18
	<i>Example of a condition</i> —	19
	a person’s membership is for a limited period	20
	19A Persons who are to assist or carry out other activities relating to the State group	21 22
	(1) A regulation may prescribe persons who are to—	23
	(a) assist the State group in carrying out the group’s functions; or	24 25
	(b) carry out other activities prescribed by regulation that relate to the State group.	26 27
	(2) Also, the chairperson of the State group may invite persons to—	28 29

[s 7]

- (a) assist the State group in carrying out the group's functions; or 1
2
 - (b) carry out other activities prescribed by regulation that relate to the State group. 3
4
 - (3) If the chairperson of the State group invites a person under subsection (2), the person's invitation is subject to the conditions decided by the chairperson. 5
6
7
8
- Example of a condition—* 9
- a person is invited to assist the State group only in relation to a particular meeting of the group 10
11

20 Chairperson and deputy chairperson 12

- (1) The chairperson and deputy chairperson of the State group are the members of the group prescribed by regulation. 13
14
15
- (2) The chairperson may appoint another member of the State group to act as chairperson of the group. 16
17
- (3) The deputy chairperson of the State group is to act as chairperson— 18
19
 - (a) during a vacancy in the office of chairperson; and 20
21
 - (b) if there is no appointee under subsection (2)—during all periods when the chairperson is absent from duty or for another reason can not perform the functions of the office; and 22
23
24
25
26
 - (c) if there is an appointee under subsection (2)—during all periods when the appointee is absent from duty or for another reason can not perform the functions of the office. 27
28
29
30

Clause 7 Amendment of s 21B (State disaster coordinator) 31

- (1) Section 21B(1)— 32

-
- omit, insert—* 1
- (1) The chairperson of the State group must appoint 2
one of the following persons as a State disaster 3
coordinator to coordinate disaster operations for 4
the group— 5
- (a) a deputy commissioner of the police service; 6
- (b) another person the chairperson decides, after 7
considering the nature of the disaster 8
operations, should be appointed to 9
coordinate the operations. 10
- (2) Section 21B(5) to (8)— 11
- omit.* 12

Clause 8 Amendment of s 21D (State recovery coordinator) 13

- (1) Section 21D(1), after ‘if’— 14
- insert—* 15
- the chairperson is satisfied that 16
- (2) Section 21D(1)(a), from ‘after consulting’ to ‘that’— 17
- omit.* 18
- (3) Section 21D(1)(b), from ‘after consulting’ to ‘satisfied’— 19
- omit.* 20
- (4) Section 21D(3), ‘, after consulting with the chief executive,’— 21
- omit.* 22

Clause 9 Replacement of ss 24 and 25 23

- Sections 24 and 25— 24
- omit, insert—* 25

[s 10]

- 24 Membership** 1
- (1) A district group consists of the persons 2
prescribed by regulation to be members of the 3
group. 4
- (2) A regulation under this section may provide 5
for— 6
- (a) the appointment of the members of a district 7
group; and 8
- (b) the qualifications and experience required 9
for a person to be a member of a district 10
group. 11

- 25 Chairperson and deputy chairperson** 12
- (1) There is a chairperson and a deputy chairperson 13
of a district group. 14
- (2) The chairperson and deputy chairperson are the 15
persons prescribed by regulation. 16
- (3) A regulation under this section may provide 17
for— 18
- (a) the appointment of the chairperson and 19
deputy chairperson of a district group; and 20
- (b) the qualifications and experience required 21
for a person to be the chairperson or deputy 22
chairperson. 23

- Clause 10 Replacement of ss 28B and 28C** 24
- Sections 28B and 28C— 25
- omit, insert—* 26
- 28B Membership** 27
- (1) A temporary district group consists of the 28
persons prescribed by regulation to be members 29
of the group. 30

-
- (2) A regulation under this section may provide for—
 - (a) the appointment of the members of a temporary district group; and
 - (b) the qualifications and experience required for a person to be a member of a temporary district group.

28C Chairperson and deputy chairperson

- (1) There is a chairperson and a deputy chairperson of a temporary district group.
- (2) The chairperson and deputy chairperson are the persons prescribed by regulation.
- (3) A regulation under this section may provide for—
 - (a) the appointment of the chairperson and deputy chairperson of a temporary district group; and
 - (b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.

Clause 11 Replacement of ss 33 and 34

Sections 33 and 34—

omit, insert—

33 Membership

- (1) A local group consists of the persons prescribed by regulation to be members of the group.
- (2) A regulation under this section may provide for—
 - (a) the appointment of the members of a local group; and

[s 12]

	(b) the qualifications and experience required for a person to be a member of a local group.	1 2 3
	34 Chairperson and deputy chairperson	4
	(1) There is a chairperson and a deputy chairperson of a local group.	5 6
	(2) The chairperson and deputy chairperson are the persons prescribed by regulation.	7 8
	(3) A regulation under this section may provide for—	9 10
	(a) the appointment of the chairperson and deputy chairperson of a local group; and	11 12
	(b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.	13 14 15
Clause 12	Amendment of s 37 (Notice about membership of local group)	16 17
	Section 37(b), after ‘chairperson’—	18
	<i>insert</i> —	19
	of the district group	20
Clause 13	Replacement of ss 38–43	21
	Sections 38 to 43—	22
	<i>omit, insert</i> —	23
	38 Conduct of business and meetings	24
	(1) A disaster management group must conduct its business, including its meetings, in the way prescribed by regulation.	25 26 27
	(2) Subject to a regulation made under subsection (1), a disaster management group may conduct	28 29

	its business, including its meetings, in the way it considers appropriate.	1 2
Clause 14	Amendment of s 44 (Annual report)	3
	(1) Section 44(1)—	4
	<i>omit, insert—</i>	5
	(1) As soon as practicable after the end of each financial year, the State group must prepare a written report about disaster management in the State and publish the report on an appropriate website providing information to the public.	6 7 8 9 10
	(2) Section 44(2)(d), ‘Minister’—	11
	<i>omit, insert—</i>	12
	State group	13
Clause 15	Omission of s 45 (Minister may give directions)	14
	Section 45—	15
	<i>omit.</i>	16
Clause 16	Amendment of s 48 (Committees)	17
	(1) Section 48(1) and (2), after ‘The Minister’—	18
	<i>insert—</i>	19
	or chairperson of the State group	20
	(2) Section 48(1)(c), after ‘the Minister’—	21
	<i>insert—</i>	22
	or chairperson of the State group	23
Clause 17	Amendment of s 143 (Delegations)	24
	Section 143(1), ‘45(1),’—	25
	<i>omit.</i>	26

[s 18]

Clause 18	Replacement of pt 14, div 2, sdiv 4, hdg (Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010)	1 2 3
	Part 14, division 2, subdivision 4, heading—	4
	<i>omit, insert—</i>	5
	Division 3	6
	Other transitional provisions	7
	Subdivision 1	8
	Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010	9 10 11
Clause 19	Amendment of s 166 (Definitions for sdiv 4)	12
	Section 166, heading, ‘sdiv 4’—	13
	<i>omit, insert—</i>	14
	sdiv 1	15
Clause 20	Insertion of new pt 14, div 3, sdiv 2	16
	After section 173—	17
	<i>insert—</i>	18
	Subdivision 2	19
	Transitional provisions for Disaster Management Amendment Act 2014	20 21
	174 Definitions for sdiv 2	22
	In this subdivision—	23
	<i>continuing group</i> means—	24
	(a) a district group; or	25
	(b) a temporary district group; or	26

- (c) a local group. 1
- former State group* means the State Disaster 2
Management Group in existence under section 17 3
immediately before the commencement. 4
- 175 Dissolution of former State group** 5
- On the commencement— 6
- (a) the former State group is dissolved; and 7
- (b) the members, chairperson and deputy 8
chairperson of the former State group go out 9
of office. 10
- 176 References to former State group** 11
- In an Act or document, a reference to the former State 12
group may, if the context permits, be taken as a 13
reference to the Queensland Disaster Management 14
Committee established under section 17. 15
- 177 Continuation of State disaster management 16
plan** 17
- The State disaster management plan in existence 18
immediately before the commencement is taken to 19
have been prepared by the Queensland Disaster 20
Management Committee established under section 17. 21
- 178 Continuation of State disaster coordinator and 22
State recovery coordinator** 23
- (1) This section applies to a person who, 24
immediately before the commencement, was a 25
State disaster coordinator or a State recovery 26
coordinator. 27

[s 21]

- (2) The person continues as a State disaster coordinator or State recovery coordinator under this Act. 1
2
3

179 Continuation of membership of continuing groups 4
5

- (1) A person who, immediately before the commencement, was a member of a continuing group, continues as a member of the group under this Act. 6
7
8
9
- (2) For this Act, the person is taken to have been prescribed by regulation to be a member of the group. 10
11
12

180 Continuation of chairpersons and deputy chairpersons of continuing groups 13
14

- (1) This section applies to a person who, immediately before the commencement, was the chairperson or deputy chairperson of a continuing group. 15
16
17
18
- (2) The person continues as the chairperson or deputy chairperson of the continuing group under the Act. 19
20
21
- (3) For this Act, the person is taken to have been prescribed by regulation to be the chairperson or deputy chairperson of the group. 22
23
24

- Clause 21 Amendment of schedule (Dictionary)** 25
- Schedule, definition *chairperson*— 26
- omit, insert*— 27
- chairperson* means— 28
- (a) of the State group—the person prescribed by regulation under section 20; or 29
30

Schedule 1	Disaster Management Regulation 2014	1 2
	section 22	3
Part 1	Preliminary	4
1	Short title	5
	This regulation may be cited as the <i>Disaster Management Regulation 2014</i> .	6 7
Part 2	Disaster management groups—membership and other matters	8 9 10
2	Members of State group—Act, s 19	11
	For section 19(1)(a) of the Act, the following persons are members of the State group—	12 13
	(a) the Premier;	14
	(b) the Minister administering the Act;	15
	(c) the Ministers administering the following Acts—	16
	(i) the <i>Community Services Act 2007</i> ;	17
	(ii) the <i>Financial Accountability Act 2009</i> ;	18
	(iii) the <i>Housing Act 2003</i> ;	19
	(iv) the <i>Local Government Act 2009</i> ;	20
	(v) the <i>Sustainable Planning Act 2009</i> ;	21

	(vi) the <i>Transport Operations (Road Use Management) Act 1995</i> .	1 2
3	Persons to assist or carry out other activities relating to the State group—Act, s 19A	3 4
	(1) For section 19A(1)(a) of the Act, the following persons are to assist the State group in carrying out the group’s functions—	5 6
	(a) the chief executives of the departments in which the following Acts are administered—	7 8
	(i) the <i>Community Services Act 2007</i> ;	9
	(ii) the <i>Constitution of Queensland 2001</i> ;	10
	(iii) the <i>Financial Accountability Act 2009</i> ;	11
	(iv) the <i>Housing Act 2003</i> ;	12
	(v) the <i>Local Government Act 2009</i> ;	13
	(vi) the <i>Sustainable Planning Act 2009</i> ;	14
	(vii) the <i>Transport Operations (Road Use Management) Act 1995</i> ;	15 16
	(b) the chief executive officer of the Public Safety Business Agency;	17 18
	(c) the commissioner of the Queensland Fire and Emergency Service;	19 20
	(d) the commissioner of the police service.	21
	(2) For section 19A(1)(b) of the Act, the inspector-general is prescribed for the purpose of observing the way the State group carries out its functions.	22 23 24
4	Chairperson and deputy chairperson of the State group—Act, s 20	25 26
	For section 20(1) of the Act—	27
	(a) the Premier is the chairperson of the State group; and	28
	(b) the Minister administering the <i>Local Government Act 2009</i> is the deputy chairperson of the State group.	29 30

- 5 Membership of district groups—Act, s 24** 1
- (1) For section 24(1) of the Act, the following persons are 2
members of a district group— 3
- (a) the persons appointed as chairperson and deputy 4
chairperson of the district group under section 6; 5
- (b) the person appointed as the executive officer of the 6
district group under section 27 of the Act; 7
- (c) a person appointed by— 8
- (i) if there is 1 local government only in the disaster 9
district for the district group—the local 10
government; or 11
- (ii) if there are 2 or more local governments in the 12
disaster district and none of the local governments 13
unite under section 31 of the Act—each local 14
government; or 15
- (iii) if there are 2 or more local governments in the 16
disaster district and all the local governments unite 17
under section 31 of the Act—each combined local 18
government; or 19
- (iv) if there are 3 or more local governments in the 20
disaster district and not all the local governments 21
unite under section 31 of the Act— 22
- (A) each local government that does not unite; 23
and 24
- (B) each combined local government; 25
- (d) a number of persons, each of whom represents a 26
department, or a Hospital and Health Service, the chief 27
executive of the department considers appropriate to be 28
represented on the group, having regard to effective 29
disaster management for the disaster district; 30
- (e) any other person appointed by the chief executive of the 31
department that the chief executive considers 32
appropriate to be a member of the district group, having 33
regard to effective disaster management for the disaster 34
district. 35

-
- | | | |
|----------|--|----------------------------|
| (2) | Under subsection (1)(c)(ii), (iii) and (iv), each local government or combined local government is to appoint a separate person. | 1
2
3 |
| (3) | The members mentioned in subsection (1)(d) are to be appointed by the chief executive of the department, or the health service chief executive of the Hospital and Health Service, the member represents. | 4
5
6
7 |
| (4) | In considering the departments that are appropriate to be represented on a district group, the chief executive of the department must consult with the chairperson of the group. | 8
9
10 |
| (5) | Before appointing a person under subsection (1)(e), the chief executive of the department must consult with the chairperson of the district group. | 11
12
13 |
| (6) | As soon as practicable after a local government or a combined local government appoints a person under subsection (1)(c), the local government or combined local government must inform the chief executive of the department, and the chairperson of the district group, of the appointment. | 14
15
16
17
18 |
| (7) | As soon as practicable after a chief executive or health service chief executive appoints a person under subsection (3), the chief executive or health service chief executive must inform the chief executive of the department, and the chairperson of the district group, of the appointment. | 19
20
21
22
23 |
| 6 | Chairperson and deputy chairperson of district groups—Act, s 25 | 24
25 |
| (1) | For section 25(2) of the Act, the chairperson and deputy chairperson of a district group are the persons appointed by the commissioner of the police service to be the chairperson and deputy chairperson. | 26
27
28
29 |
| (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. | 30
31
32
33
34 |
-

- 7 Membership of temporary district groups—Act, s 28B** 1
- (1) For section 28B(1) of the Act, the following persons are 2
members of a temporary district group— 3
- (a) the persons appointed as chairperson and deputy 4
chairperson of the group under section 8; 5
- (b) a person nominated by each local government whose 6
local government area is entirely or partly in a disaster 7
district for which the temporary district group is 8
established; 9
- (c) a number of persons, each of whom represents a 10
department, or a Hospital and Health Service, the 11
chairperson of the temporary district group considers 12
appropriate to be represented on the group, having 13
regard to effective disaster management for the area in 14
which the group is established; 15
- (d) any other person appointed by the chairperson of the 16
temporary district group that the chairperson considers 17
appropriate to be a member of the temporary district 18
group, having regard to effective disaster management 19
for the area in which the group is established. 20
- (2) A person mentioned in subsection (1)(b) or (c) must be 21
appointed by the chairperson of the temporary district group. 22
- 8 Chairperson and deputy chairperson of temporary 23
district groups—Act, s 28C 24**
- (1) For section 28C(2) of the Act, the chairperson and deputy 25
chairperson of a temporary district group are the persons 26
appointed by the chairperson of the State group to be the 27
chairperson and deputy chairperson. 28
- (2) The chairperson of the State group may appoint a person 29
under subsection (1) only— 30
- (a) after consulting with the commissioner of the police 31
service; and 32
- (b) if the chairperson is satisfied the person has the 33
necessary expertise or experience to perform the 34

	functions and exercise the powers of a chairperson or deputy chairperson.	1 2
9	Membership of local groups—Act, s 33	3
	(1) For section 33(1) of the Act, the following persons are members of a local group—	4 5
	(a) the persons appointed as the chairperson and deputy chairperson of the group under section 10;	6 7
	(b) the other persons appointed as members of the group by the relevant local government for the group.	8 9
	(2) At least 1 person appointed under subsection (1)(b) must be a person nominated by the chief executive of the department.	10 11
	(3) At least 1 person appointed under subsection (1)(b) must be a councillor of a local government.	12 13
	(4) The relevant local government for a local group may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member.	14 15 16
10	Chairperson and deputy chairperson of local groups—Act, s 34	17 18
	(1) For section 34(2) of the Act, the chairperson and deputy chairperson of a local group are the persons appointed by the relevant local government for the local group to be the chairperson and deputy chairperson.	19 20 21 22
	(2) The chairperson must be a councillor of a local government.	23

Part 3	Business and meetings of disaster management groups	1 2
11	Purpose of pt 3	3
	This part prescribes, for section 38(1) of the Act, the way a disaster management group must conduct the group’s business and meetings.	4 5 6
12	Times and places of meetings	7
(1)	Disaster management group meetings must be held at least once in every 6 months at the times and places decided by the chairperson of the group.	8 9 10
(2)	However, the chairperson of the State group must call a meeting of the State group if asked, in writing, to do so by the Minister or at least one-half of its members.	11 12 13
(3)	Also, the chairperson of a district group must call a meeting if asked, in writing, to do so by the chairperson of the State group or at least one-half of the members of the district group.	14 15 16
(4)	In addition, the chairperson of a local group must call a meeting if asked, in writing, to do so by—	17 18
(a)	the chairperson of the district group for the disaster district in which the local group is situated; or	19 20
(b)	at least one-half of the members of the local group.	21
(5)	For subsections (2) to (4), the requirement to request, in writing, the meeting to be called does not apply if—	22 23
(a)	it is not practicable to request the meeting to be called in writing in all the circumstances; and	24 25
(b)	the request to call the meeting is made orally, and the request is put in writing as soon as reasonably practicable.	26 27 28

13	Quorum	1
	A quorum for a meeting of a disaster management group is the number equal to—	2 3
	(a) one-half of its members for the time being holding office plus 1; or	4 5
	(b) if one-half of its members for the time being holding office is not a whole number, the next highest whole number.	6 7 8
14	Meeting deputies for particular members	9
	(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 the person's deputy.	10 11 12
	(2) The deputy may attend a group meeting in the member's absence and exercise the member's functions and powers under the Act at the meeting.	13 14 15
	(3) A deputy attending a group meeting is to be counted in deciding if there is a quorum for the meeting.	16 17
15	Deputies for officials of State group	18
	(1) An official of the State group may, with the approval of the chairperson of the group, appoint by signed notice another person as the official's deputy.	19 20 21
	(2) The deputy may attend a meeting of the State group in the official's absence to act as the official and exercise the official's functions under the Act.	22 23 24
	(3) In this section—	25
	<i>official</i> , of the State group, means a person—	26
	(a) mentioned in section 3; or	27
	(b) invited by the chairperson of the State group under section 19A(2) of the Act.	28 29

16	Presiding at meetings	1
(1)	The chairperson of a disaster management group is to preside at all meetings of the group at which the chairperson is present.	2 3 4
(2)	If the chairperson is absent from a meeting of a disaster management group, but the deputy chairperson is present, the deputy chairperson is to preside.	5 6 7
(3)	If the chairperson and deputy chairperson are both absent from a meeting of the group—	8 9
(a)	the member of the group nominated by the chairperson is to preside; or	10 11
(b)	if the chairperson does not nominate a member under paragraph (a)—the member nominated by the deputy chairperson is to preside.	12 13 14
(4)	If the offices of chairperson and deputy chairperson are vacant, the member of the group chosen by the members present is to preside.	15 16 17
17	Conduct of meetings	18
(1)	A disaster management group may hold meetings, or allow members of the group to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.	19 20 21 22
	<i>Example of use of technology—</i>	23
	teleconferencing	24
(2)	A member who takes part in a meeting of a disaster management group under subsection (1) is taken to be present at the meeting.	25 26 27
(3)	A resolution is validly made by a disaster management group even if it is not passed at a meeting of the group, if—	28 29
(a)	a majority of the members of the group gives written agreement to the resolution; and	30 31
(b)	notice of the resolution is given under procedures approved by the group.	32 33

18 Minutes

1

A disaster management group must keep minutes of its meetings.

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Authorised by the Parliamentary Counsel