



Public Safety Preservation Act 1986

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Public Safety Preservation Act 1986

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[as amended by all amendments that commenced on or before 21 July 2006]

An Act to provide protection for members of the public in chemical, biological, radiological or other emergencies that create or may create danger of death, injury or distress to any person, loss of or damage to any property or pollution of the environment and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Public Safety Preservation Act 1986*.

3 Crown bound

This Act binds the Crown.

4 Definitions

The dictionary in the schedule defines particular words used in this Act.

4A Notes

A note in the text of this Act is part of the Act.

Part 2 Emergency situation

5 Declaration of emergency situation

- (1) Subject to section 6, if at any time a commissioned officer (the *incident coordinator*) is satisfied on reasonable grounds that an emergency situation has arisen or is likely to arise the commissioned officer may declare that an emergency situation exists in respect of an area specified by the commissioned officer.
- (2) The incident coordinator, as soon as practicable after he or she declares that an emergency situation exists, shall issue a certificate to this effect signed by the incident coordinator which certificate shall set out the nature of the emergency situation, the time and date it was declared to exist and the area in respect of which it exists.
- (3) The declaration that an emergency situation exists shall continue until revoked by the incident coordinator.
- (4) However, if an emergency situation is later declared to be a CBR emergency, the declaration of the emergency situation has no effect for the period of the CBR emergency.

Note—

CBR emergencies may be declared under section 12.¹

- (5) The incident coordinator shall as soon as practicable thereafter, note the time and date of the revocation on the certificate issued pursuant to subsection (2).
- (6) The certificate issued in respect of an emergency situation shall be forwarded to the office of the Commissioner of the Police Service within 14 days of the revocation of the declaration of the emergency situation and shall be held in that office for a period of at least 6 years.

6 Disaster Management Act 2003

- (1) A declaration pursuant to section 5 shall not be made in respect of an emergency situation which is being dealt with

¹ Section 12 (CBR emergency may be declared)

under a disaster situation under the *Disaster Management Act 2003*.

- (2) A declaration pursuant to section 5 which is in force when a disaster situation is declared under the *Disaster Management Act 2003*, shall be revoked by the incident coordinator when the emergency situation can be effectively dealt with under that Act.

7 Power to delegate

- (1) If during any period the incident coordinator ceases to act as incident coordinator, the incident coordinator may delegate his or her powers under this Act, (including the power to subdelegate the powers), to a police officer for the period.
- (2) However, the incident coordinator may not delegate the power to issue a certificate or make a note on a certificate under section 5.²
- (3) The delegation by the incident coordinator shall remain in force until revoked by the incident coordinator or until the revocation of the declaration under section 5, whichever happens first.
- (4) The incident coordinator shall note details of each delegate, the powers delegated to the delegate and the period of each delegation in writing on the certificate issued under section 5 as soon as practicable after each delegation is revoked or after the revocation of the declaration of the emergency situation.

8 Powers of incident coordinator

- (1) Where during the period of and in the area specified in respect of an emergency situation the incident coordinator is satisfied on reasonable grounds that it is necessary to effectively deal with that emergency situation he or she (and any other police officer acting on his or her instructions) may—
 - (a) direct the owner or the person for the time being in charge or in control of any resource to surrender it and

2 Section 5 (Declaration of emergency situation)

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- place it under the incident coordinator's or police officer's control (*resource surrender direction*);
- (b) take control of any resource, whether it is in the charge or control of any person or not;
 - (c) in respect of any resource under the incident coordinator's or police officer's control, direct any person who is capable of operating that resource to operate it as directed by him or her (*resource operator direction*);
 - (d) direct the evacuation and exclusion of any person or persons from any premises and for this purpose may remove or cause to be removed (using such force as is necessary for that purpose) any person who does not comply with a direction to evacuate or any person who enters, attempts to enter or is found in or on any premises in respect of which a direction for the exclusion of persons has been given;
 - (e) close or cause to be closed to traffic and pedestrians, any road, street, motorway, private road, private way, service lane, footway, right of way, access way or other way or close any place to which members of the public have access whether on payment of a fee or otherwise;
 - (f) enter or cause to be entered (using such force as is necessary for that purpose) any premises;
 - (g) search or cause to be searched (using such force as is necessary for that purpose) any premises and anything found therein or thereon;
 - (h) remove or cause to be removed from any premises (using such force as is necessary for that purpose) any animal or anything;
 - (i) direct any person to assist him or her in the manner specified by him or her (*help direction*).
- (2) The incident coordinator or police officer must not give a resource operator direction or a help direction to a person if giving the direction would expose the person to imminent danger.

- (3) A person given a resource surrender direction, a resource operator direction or a help direction must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—40 penalty units or 1 year's imprisonment.

Part 3 Chemical, biological and radiological emergencies

Division 1 Preliminary

9 Parliament's intention

It is Parliament's intention that the powers available under this part may be exercised—

- (a) only if—
- (i) something has happened in which a CBR substance is involved; and
 - (ii) the nature of the particular substance requires the exercise by emergency responders of the powers under this part in addition to powers otherwise available to emergency responders under this or any other Act; and
- (b) only for so long as the exercise of the additional powers in the particular circumstances is necessary to ensure the chemical, biological or radiological substance involved does not pose a serious risk to the life or health of individuals.

10 Relationship to other Acts

- (1) Nothing in this part prevents a person from declaring a state of disaster or another emergency under another Act (*another declaration*).

- (2) However, the existence of another declaration does not prevent the declaration of a CBR emergency under this part.

Examples of other Acts—

- *Disaster Management Act 2003*
- *State Transport Act 1938.*

11 CBR emergency powers and powers under other Acts

- (1) CBR emergency powers are in addition to and do not limit the powers an emergency responder or a public service officer has under another Act.

Examples of other persons—

- an inspector under the *Explosives Act 1999*
- an authorised person under the *Environmental Protection Act 1994*
- a police officer under the *Police Powers and Responsibilities Act 2000.*

- (2) However, the CBRE coordinator may give directions about the circumstances in which the powers under the other Act may be exercised during the emergency.

- (3) A direction under subsection (2) may be given—

- (a) only to emergency responders or public service officers who may exercise powers under another Act; and
- (b) only if it is necessary for the effective management of the CBR emergency.

Example 1—

The CBRE coordinator may direct an authorised person under the *Environmental Protection Act 1994* to delay exercising particular powers until the CBRE coordinator considers it is appropriate in the circumstances for the powers to be exercised.

Example 2—

If the CBR emergency involves an outbreak of an exotic disease, the CBRE coordinator may direct an inspector under the *Exotic Diseases in Animals Act 1981* to delay exercising particular powers until the coordinator considers it is appropriate in the circumstances for the powers to be exercised.

- (4) Also, a direction under subsection (2)—

- (a) may be general or limited to a particular class of emergency responder or public service officer; and
- (b) may be given on conditions.

Division 2 Declaring, extending and ending CBR emergencies

12 CBR emergency may be declared

- (1) A State police officer of at least the rank of assistant commissioner may declare an emergency (*CBR emergency*) if satisfied—
 - (a) something has happened in which a CBR substance is involved (an *incident*); and
 - (b) the substance poses a serious risk to the life or health of individuals; and
 - (c) the substance may spread if not contained; and
 - (d) a significant coordinated effort by emergency responders is necessary to adequately respond to the incident; and
 - (e) using powers available to an incident coordinator in an emergency situation, or to someone else under another Act, would not enable emergency responders to effectively deal with the incident.
- (2) The CBRE coordinator must promptly inform the Minister of the declaration of the CBR emergency.
- (3) If, after reasonable efforts, the Minister can not be contacted, the CBRE coordinator must promptly inform the Premier of the declaration of the CBR emergency.
- (4) If neither the Minister nor the Premier can be contacted, the CBRE coordinator must promptly inform the next most senior Minister who is available of the declaration of the CBR emergency.
- (5) As soon as practicable after declaring the CBR emergency, the CBRE coordinator must make a written record of the time and date the emergency was declared.

- (6) Unless either of the following happens, the CBR emergency ends 24 hours after the declaration is made—
- (a) a relevant person sooner ends the emergency under section 15;
 - (b) the Minister and the Premier extend the period of the emergency.

13 Extension of CBR emergency up to 7 days

- (1) This section applies if the Minister and the Premier are satisfied—
- (a) a CBR emergency has happened; and
 - (b) it is necessary for emergency responders to continue to exercise CBR emergency powers beyond the first 24 hours (*initial period*) of the emergency to protect life or health at serious risk because of the CBR substance involved in the emergency.
- (2) Before the initial period of the CBR emergency ends, the Minister and the Premier may extend the period of the emergency to a total of not more than 7 days from the start of the initial period.

Note—

For provisions about the exercise of the detention power after the first 48 hours of a CBR emergency, see division 5, subdivision 2.³

- (3) If—
- (a) the period of the CBR emergency as extended under subsection (2) is less than 7 days; and
 - (b) the Minister and the Premier still consider it is necessary for emergency responders to continue to exercise CBR emergency powers to protect life or health at serious risk because of the CBR substance involved in the emergency;

3 Division 5 (Provisions about detention), subdivision 2 (Exercise of detention power after first 48 hours)

the Minister and the Premier may further extend the period of the emergency to a total of up to 7 days from the start of the initial period of the emergency.

- (4) Unless either of the following happens, the CBR emergency ends 7 days after the start of the initial period of the emergency—
- (a) a relevant person sooner ends the emergency under section 15;
 - (b) a regulation extends the period of the emergency beyond the end of the 7 days.

14 Extension of CBR emergency beyond 7 days

- (1) A regulation may extend, or further extend, the period of a CBR emergency.
- (2) A regulation made for the purposes of this section commences on the day it is made whether or not it is notified on that day.
- (3) Also, a regulation extending the period of a CBR emergency expires 14 days after the start of the initial period of the emergency unless it is sooner repealed or expires under section 15(4).
- (4) In addition, a regulation further extending the period of a CBR emergency must state the period, of not more than 14 days, by which the emergency is extended.
- (5) Subsections (2) and (4) apply despite the *Statutory Instruments Act 1992*, section 32.⁴
- (6) The *Statutory Instruments Act 1992*, part 5⁵ does not apply to a regulation made under this section.

15 Ending CBR emergency

- (1) As soon as the relevant person is satisfied it is no longer necessary for emergency responders to continue to exercise CBR emergency powers to protect life or health at serious risk

4 *Statutory Instruments Act 1992*, section 32 (Prospective commencement)

5 *Statutory Instruments Act 1992*, part 5 (Guidelines for regulatory impact statements)

because of the CBR substance involved in the CBR emergency, the relevant person must end the emergency.

- (2) The CBRE coordinator must promptly inform emergency responders of the ending of the CBR emergency.
- (3) The CBRE coordinator must also notify the ending of the CBR emergency and when it ended by gazette notice as soon as practicable.
- (4) A regulation extending or further extending the period of the CBR emergency expires when the emergency ends.
- (5) In this section—

relevant person means—

- (a) to end a CBR emergency within 24 hours of its start—
 - (i) if a Minister has not been notified under section 12—the CBRE coordinator; or
 - (ii) if a Minister has been notified under section 12—the Minister notified; or
- (b) if the period of the CBR emergency is extended under section 13—the Minister and the Premier.

Division 3 CBRE coordinator's coordination responsibility and general powers

Subdivision 1 CBRE coordinator

16 Meaning of *CBRE coordinator*

Each of the following is a *CBRE coordinator*—

- (a) a State police officer who declares a CBR emergency under section 12;
- (b) a State police officer of the rank of at least assistant commissioner who is for the time being performing the functions of the CBRE coordinator under this part.

17 Coordination responsibility

- (1) On the declaration of a CBR emergency, the CBRE coordinator is responsible for the overall management and control of emergency responders responding to the emergency.
- (2) For coordinating the response by emergency responders to the CBR emergency, the CBRE coordinator may give directions about the circumstances in which powers available to emergency responders only under this Act may be exercised.
- (3) A direction given under subsection (2)—
 - (a) may be general or limited to a particular class of emergency responder; and
 - (b) may be given on conditions.

18 Powers of CBRE coordinator

- (1) On the declaration of a CBR emergency, the CBRE coordinator has the following powers—
 - (a) the powers stated in section 23 for the emergency;⁶
 - (b) the powers an incident coordinator has in an emergency situation;
 - (c) the power under section 19(1) to authorise the exercise of powers available to particular emergency responders only under this part.

Note 1—

The powers mentioned in paragraph (b) are in section 8⁷ and include power to give help directions, resource operator directions and resource surrender directions.

Note 2—

Under section 11(2), the CBRE coordinator may give directions relating to the circumstances in which emergency responders or public service officers may exercise powers under another Act.

6 Section 23 (CBRE police officers)

7 Section 8 (Powers of incident coordinator)

Note 3—

The CBRE coordinator also has powers to give directions under section 17(2).

- (2) For subsection (1)(b), a reference in section 8 to—
 - (a) an incident coordinator is taken to be a reference to the CBRE coordinator; and
 - (b) an emergency situation is taken to be a reference to a CBR emergency.

19 Power to authorise exercise of particular powers

- (1) On the declaration of a CBR emergency, the CBRE coordinator may authorise any of the following to exercise powers available to emergency responders only under this Act—
 - (a) an ambulance officer;
 - (b) a fire officer;
 - (c) a police officer;
 - (d) a veterinary officer.
- (2) On the declaration of a CBR emergency, the medical controller may—
 - (a) exercise the powers of the medical controller under this part; and
 - (b) authorise a health officer to exercise powers available to the officer only under this part.
- (3) An authorisation under subsection (1) or (2)—
 - (a) may be general or limited to a particular class of emergency responder; and
 - (b) may be given on conditions; and
 - (c) may be given orally or in writing but if given orally must be put in writing as soon as reasonably practicable.
- (4) A failure to put an authorisation in writing under subsection (3)(c) does not invalidate the authorisation or anything done under the authorisation.

- (5) The CBRE coordinator may delegate the power to authorise an emergency responder, other than a health officer, to exercise powers available to the responder only under this part—
- (a) for a power available to an ambulance officer—to the ambulance controller; or
 - (b) for a power available to a fire officer—to the fire controller; or
 - (c) for a power available to a veterinary officer—to the chief veterinary officer.
- (6) Despite the *Acts Interpretation Act 1954*, section 27A(3),⁸ a delegation under subsection (5) may be made orally or in writing.
- (7) However, if made orally, the delegation must be put in writing and a copy given to the delegate as soon as practicable after the delegation is made, but no later than 7 days after the CBR emergency ends.
- (8) A delegation under subsection (5) also authorises the person to whom the power is delegated to exercise the power an emergency responder is authorised by the delegate to exercise.

Example for subsection (8)—

The CBRE coordinator delegates to the fire controller the power to authorise fire officers to exercise the decontamination power. The fire controller is authorised to exercise the decontamination power.

Subdivision 2 Powers available to emergency responders

20 CBRE ambulance officers

- (1) A CBRE ambulance officer may exercise the following powers—
- (a) the treatment power;

8 *Acts Interpretation Act 1954*, section 27A (Delegation of functions or powers)

- (b) the power to give directions under section 31.⁹
- (2) The CBRE ambulance officer may exercise the relevant power only in accordance with this Act, the terms of the authorisation to exercise the power and subject to the directions of the CBRE coordinator or the ambulance controller.
- (3) Also, if the CBRE ambulance officer is a non-government ambulance officer, the ambulance officer is subject to the direction of a government ambulance officer.

21 CBRE fire officers

- (1) A CBRE fire officer may exercise the following powers—
 - (a) the decontamination power;
 - (b) the property destruction power;
 - (c) the power to give directions under section 31.
- (2) The CBRE fire officer may exercise the relevant power only in accordance with the terms of this Act, the authorisation to exercise the power and subject to the directions of the CBRE coordinator or the fire controller.
- (3) Also, if the CBRE fire officer is a non-government fire officer, the fire officer is subject to the direction of a government fire officer.

22 CBRE health officers

- (1) A CBRE health officer may exercise the following powers—
 - (a) the decontamination power;
 - (b) the property destruction power;
 - (c) the treatment power;
 - (d) the power to give directions under section 31.
- (2) The CBRE health officer may exercise the relevant power only in accordance with the terms of this Act, the

9 Section 31 (Power to give particular directions)

authorisation to exercise the power and subject to the directions of the CBRE coordinator or the medical controller.

- (3) Also, if the CBRE health officer is a non-government health officer, the non-government health officer is subject to the direction of a government health officer.

23 CBRE police officers

- (1) A CBRE police officer may exercise the following powers—
 - (a) the detention power;
 - (b) the property seizure power;
 - (c) the property destruction power;
 - (d) the identity power;
 - (e) the power to give directions under section 31.
- (2) The CBRE police officer may exercise the relevant power only in accordance with this Act, the terms of the authorisation to exercise the power and subject to the directions of the CBRE coordinator.
- (3) Also, if the CBRE police officer is a non-State police officer, the police officer is subject to the directions of a State police officer.

24 CBRE veterinary officers

- (1) A CBRE veterinary officer may exercise the following powers—
 - (a) the decontamination power;
 - (b) the property destruction power;
 - (c) the power to give directions under section 31.¹⁰
- (2) The CBRE veterinary officer may exercise the relevant power only in accordance with the terms of the authorisation to exercise the power and subject to the directions of the CBRE coordinator or the chief veterinary officer.

¹⁰ Section 31 (Power to give particular directions)

Division 4 Exercise of powers

25 Power to seize property

- (1) A CBRE police officer may seize property to ensure a CBR substance involved in the CBR emergency is made ineffective.
- (2) For exercising the property seizure power, a CBRE police officer may require a person to leave in a stated place property the person possesses or controls.
- (3) However, the CBRE police officer may require a person to leave property in a stated place only if the CBRE police officer considers, having regard to the substance involved in the CBR emergency—
 - (a) it is reasonably necessary to require the person to leave the property in the place; and
 - (b) it is reasonably practicable for the person to leave the property in the place.

26 Power to destroy seized property

- (1) The following emergency responders may destroy seized property to ensure a CBR substance involved in the CBR emergency is made ineffective—
 - (a) a CBRE fire officer;
 - (b) a CBRE health officer;
 - (c) a CBRE police officer;
 - (d) a CBRE veterinary officer.
- (2) However, the emergency responder must not destroy property that may reasonably be decontaminated.
- (3) For seized property other than an animal, an emergency responder other than a CBRE veterinary officer—
 - (a) may destroy property that is affected by a biological or radiological substance only if the medical controller decides the property should be destroyed; and

- (b) may destroy property that is affected by a chemical substance only if the fire controller decides the property should be destroyed.
- (4) For seized property that is an animal, the CBRE veterinary officer may destroy the animal—
 - (a) only if the chief veterinary officer decides the animal should be destroyed; and
 - (b) whether or not it is lawful under another Act to destroy the animal.

27 Power to require name and address

- (1) A CBRE police officer may require a person to state the person's correct name and address.
- (2) The CBRE police officer may also ask a person in relation to whom the identity power is exercised to state the name and address of the person's next of kin or someone else the person considers should be contacted to enable the CBRE police officer to contact someone to inform that person of the person's whereabouts.
- (3) However, the CBRE police officer may only exercise the identity power in relation to a person if the CBRE police officer considers it is necessary—
 - (a) to record details of—
 - (i) individuals detained; and
 - (ii) property seized from the person; or
 - (b) to enable the CBRE coordinator to contact the person if necessary because of something relating to the CBR substance involved in the CBR emergency that may put the person's life or health, or the life or health of someone else, at risk.
- (4) For exercising the identity power, the CBRE police officer may require the person to produce documents in the person's possession or control that may help establish the person's identity.

Example of document—

A driver licence.

- (5) Information given under this section may be used only for—
- (a) a purpose mentioned in subsection (3); or
 - (b) a proceeding before the Coroners Court; or
 - (c) an investigation into an offence directly related to the CBR emergency.

Example of paragraph (c)—

An investigation into an offence involving the release of the CBR substance.

- (6) This section does not limit the powers a police officer has under the *Police Powers and Responsibilities Act 2000*, section 40.¹¹

28 Power to decontaminate

- (1) This section applies if a person or property may be, is, or may have been affected by a CBR substance involved in the CBR emergency.
- (2) If the substance involved in the CBR emergency is a biological or radiological substance—
 - (a) a CBRE health officer may take the steps the health officer considers reasonably necessary to decontaminate the person or property; or
 - (b) a CBRE fire officer, with the approval of the medical controller, may take the steps the medical controller or a CBRE health officer considers reasonably necessary to decontaminate the person or property.
- (3) If the substance involved in the CBR emergency is a chemical substance, it is lawful for a CBRE fire officer to take the steps the fire officer considers reasonably necessary to decontaminate the person or property.
- (4) Subsections (2) and (3) do not apply to an animal.

¹¹ *Police Powers and Responsibilities Act 2000*, section 40 (Person may be required to state name and address)

- (5) For subsections (2) and (3), the steps include directing the person to stay at a stated place or to go to a stated place for the purposes of the decontamination.
- (6) It is lawful for a CBRE veterinary officer to take the steps the veterinary officer considers reasonably necessary to decontaminate an animal.

29 Power to medically examine and treat

- (1) This section applies if a person (*relevant person*) may be, is, or may have been affected by a CBR substance involved in the CBR emergency.
- (2) It is lawful for a CBRE ambulance officer or a CBRE health officer to medically examine the relevant person and provide any reasonably necessary treatment for the person.
- (3) If a person acting under subsection (2)—
 - (a) is not a government doctor, subsection (2) is subject to any direction given by the medical controller or a government doctor; or
 - (b) is a government doctor, subsection (2) is subject to any direction given by the medical controller.
- (4) The power to medically examine a person includes power to take any reasonably necessary samples and perform any reasonably necessary tests for the purpose.
- (5) The power to treat a person includes power to isolate the person for the time reasonably necessary for preventing the spread of a CBR substance involved in the CBR emergency to others not already affected by the substance.

30 Refusal of medical treatment

- (1) This section applies if, after being medically examined, a person is found to require medical treatment because of the effect of the CBR substance involved in the CBR emergency.
- (2) The person may refuse to undergo the treatment.
- (3) However, if the medical controller or a government doctor is satisfied allowing the person to leave without medical treatment will pose a serious risk to the life or health of

individuals not already affected by the CBR substance involved in the CBR emergency, it is lawful for a CBRE ambulance officer or a CBRE health officer to treat the person despite the refusal.

Example—

The person may have been affected by a substance that can not be transmitted from person to person. If the person refuses treatment, allowing the person to leave without being treated would not pose a risk to others and there would be no reason to continue to isolate the person.

- (4) This section does not limit a person's right to refuse medical treatment that is not related to a CBR substance involved in the CBR emergency.

31 Power to give particular directions

- (1) It is lawful for an emergency responder other than a CBRE veterinary officer, for responding to the CBR emergency, to direct a person—
 - (a) to go to a stated place; or
 - (b) to stay at or in a stated place; or
 - (c) not to enter a stated place.
- (2) Also, it is lawful for a CBRE veterinary officer, for responding to the CBR emergency, to direct a person—
 - (a) to take a stated animal to a stated place; or
 - (b) to leave an animal at or in a stated place.
- (3) A person given a direction under subsection (1) or (2) must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—40 penalty units or 1 year's imprisonment.

Division 5 Provisions about detention

Subdivision 1 Detention powers

32 Power to detain

- (1) The CBRE coordinator or a CBRE police officer may detain anyone the coordinator or police officer considers should be detained for a purpose mentioned in subsection (3).
- (2) However, the CBRE coordinator or the CBRE police officer may detain a person under subsection (1) only for the time reasonably necessary for the purpose.

Example—

A person who requires decontamination may be detained only for the time necessary to ensure the CBR substance no longer poses a risk to the life or health of anyone else.

- (3) The purposes are as follows—
 - (a) to ensure a CBR substance involved in the CBR emergency is contained;
 - (b) to ensure a person detained does not pose a serious risk to the life or health of others because of the CBR substance involved in the CBR emergency.
- (4) The power to detain a person under subsection (1) includes—
 - (a) power to require the person to go to a stated place or stay at or in a stated place for a purpose mentioned in subsection (3); and
 - (b) power to move the person to a place for a purpose mentioned in subsection (3).
- (5) A person detained under this section is not under arrest or in the custody of a police officer for the purposes of the *Police Powers and Responsibilities Act 2000*.

Subdivision 2 Exercise of detention power after first 48 hours

33 Continued exercise of detention power after 48 hours

The exercise by the CBRE coordinator or CBRE police officer of the detention power after the end of the first 48 hours of the CBR emergency is lawful only if a Supreme Court judge approves the continued exercise of the power.

34 Application for approval to continue exercising detention power

- (1) This section applies only if the Minister and the Premier are satisfied it is necessary for the CBRE coordinator to continue to exercise the detention power after the first 48 hours.
- (2) The commissioner may apply to the Supreme Court judge for an order approving the continued exercise of the detention power.
- (3) The application must be made before the first 48 hours of the CBR emergency ends.
- (4) The commissioner must immediately give the monitor notice of the making of the application and a copy of the application.
- (5) The monitor is entitled to be present at the consideration of the application and, for that purpose at the hearing, may—
 - (a) present questions for the applicant to answer and examine or cross-examine any witnesses; and
 - (b) make submissions on the appropriateness in the public interest of granting the application.

35 Consideration of application

- (1) The Supreme Court judge—
 - (a) must decide the application as quickly as possible; and
 - (b) may consider any representations made by the monitor; and

- (c) may make the orders the judge considers appropriate for deciding the application, including, for example, an order suspending the operation of the decision on the application pending the outcome of an appeal; and
- (d) may approve or refuse to approve the continued exercise of the detention power.

Examples of orders for paragraph (c)—

- interim orders
 - orders adjourning the application until the commissioner gives the judge additional information
 - orders approving the release of some individuals but continuing the detention of others.
- (2) However, the Supreme Court judge may approve the application only if satisfied continued use of the detention power is reasonably necessary to prevent a serious risk to the life or health of individuals not already affected by the CBR substance involved in the CBR emergency.
 - (3) If the Supreme Court judge does not decide the application before the end of the first 48 hours of the CBR emergency, it is lawful for the CBRE coordinator to continue to exercise the detention power until the application is finally decided.

36 Appeal

- (1) The commissioner may appeal to the Court of Appeal against the refusal of the Supreme Court judge to approve the continued use of the detention power.
- (2) On the filing of an appeal, the decision of the Supreme Court judge is stayed.
- (3) The Court of Appeal—
 - (a) must hear and decide the appeal without delay; and
 - (b) may either—
 - (i) approve the continued use of the detention power; or
 - (ii) confirm the decision appealed against and dismiss the appeal; and

- (c) may make the other orders the court considers appropriate.

Subdivision 3 Other provisions about detention

37 Application of subdiv 3

This subdivision applies only in relation to a person who is detained under this part (*relevant person*).

38 CBRE coordinator's obligations in relation to relevant person

- (1) The CBRE coordinator must—
 - (a) as soon as possible having regard to all the circumstances, inform the relevant person—
 - (i) the person may apply to a Supreme Court judge for an order ending the person's detention and how the person may apply; and
 - (ii) of the person's right to consult a lawyer of the person's choice; and
 - (iii) that for the person to be detained beyond the first 48 hours of the CBR emergency, the commissioner must apply to a Supreme Court judge for approval for the CBRE coordinator to continue to exercise the detention power; and
 - (b) as soon as reasonably practicable inform the relevant person's next of kin or someone else nominated by the person—
 - (i) that the relevant person is detained under this part and where the person is detained; and
 - (ii) of the things mentioned in paragraph (a); and
 - (iii) of how to obtain information about the relevant person, including who to contact to obtain the information; and
 - (c) make any reasonably necessary arrangements in the interest of the person's welfare.

- (2) Subsection (1)(c) applies subject to any direction given by the medical controller or a CBRE health officer.

39 Application to Supreme Court judge for order ending person's detention

- (1) This section applies if a relevant person has been detained under this part because of a CBR emergency.
- (2) The relevant person's lawyer or a person nominated by the relevant person (the *applicant*) may apply to a Supreme Court judge for an order ending the relevant person's detention.
- (3) The application may be made orally or in writing but if made orally can not be made in the absence of the commissioner or the commissioner's representative.
- (4) The applicant must immediately give the commissioner notice of when and where the application will be made.
- (5) The notice may be given orally or in writing, but if given orally must be put in writing as soon as practicable.
- (6) The judge—
- (a) must decide the application as quickly as possible; and
 - (b) must have regard to any submissions made by the parties to the application; and
 - (c) may make an order ending the relevant person's detention only if satisfied the person's continued detention is not reasonably necessary to prevent a serious risk to the life or health of individuals not already affected by the CBR substance involved in the CBR emergency; and
 - (d) may not order the applicant to pay the respondent's costs of the application.
- (7) The relevant person is not entitled to be present when the application is being heard.

40 Appeal

- (1) A party to a decision of the Supreme Court judge on an application for an order ending a relevant person's detention may appeal to the Court of Appeal against the decision.
- (2) If the commissioner is the appellant, the decision appealed against is stayed on the filing of the notice of appeal.
- (3) The Court of Appeal must hear and decide the appeal without delay.
- (4) If the commissioner is the appellant, the Court of Appeal may make an order—
 - (a) allowing the appeal; or
 - (b) confirming the decision appealed against and dismissing the appeal.
- (5) If the relevant person is the appellant, the Court of appeal may make an order—
 - (a) ending the relevant person's detention; or
 - (b) confirming the decision appealed against and dismissing the appeal.
- (6) The Court of appeal may make the other orders the court considers appropriate.
- (7) However, the Court of Appeal may not order a party other than the commissioner to pay the commissioner's costs of the appeal.

Division 6 Other provisions**41 Record of seized property to be kept**

- (1) The commissioner must ensure a written record of property seized under this part is kept.
- (2) The record must include the following information—
 - (a) a description of the property, sufficient to identify it;
 - (b) when and where the property was seized;
 - (c) if known, from whom the property was seized;

- (d) if known, the name and address of the person who appears to be entitled to lawfully possess the property;
 - (e) what happened to the property after it was seized;
 - (f) if the property was destroyed—why it was destroyed;
 - (g) if the property was returned to a person under section 42¹²—the name and address of the person and when the property was returned.
- (3) A police officer who seizes property under this part must ensure the information mentioned in subsection (2) is recorded as soon as practicable after seizing the property.
- (4) This section applies despite the *Police Powers and Responsibilities Act 2000*, chapter 21, part 2, division 3.¹³
- (5) Also, the *Police Powers and Responsibilities Act 2000*, section 622 does not apply to a thing seized under this part.¹⁴

42 Return etc. of seized property

- (1) Property seized under this part and not destroyed must be made available for return to the person lawfully entitled to possess it as soon as practicable after—
- (a) it has been found not to have been affected by the CBR substance involved in the CBR emergency; or
 - (b) any necessary decontamination of the property is completed;
- unless, after reasonable efforts, the property can not be returned to the person.
- (2) Property not claimed by a person within 60 days after the CBR emergency ends is taken to have been forfeited to the State.

12 Section 42 (Return etc. of seized property)

13 *Police Powers and Responsibilities Act 2000*, chapter 21 (Administration), part 2 (Registers), division 3 (Enforcement registers)

14 *Police Powers and Responsibilities Act 2000*, section 622 (Receipt for seized property)

Note—

Property in the possession of the police service that is forfeited to the State may be dealt with under the *Police Powers and Responsibilities Act 2000*, chapter 21, part 3.¹⁵

43 Reports

- (1) The Minister must table in the Legislative Assembly a report about the CBR emergency within 6 months after the end of the emergency.
- (2) The report—
 - (a) must include—
 - (i) the nature of the CBR emergency, when and why the emergency was declared, and when it ended; and
 - (ii) if the CBR emergency was extended, why it was extended; and
 - (iii) the CBR emergency powers relied on, why they were relied on; and
 - (iv) who authorised emergency responders to exercise the CBR emergency powers relied on, who was authorised to exercise the powers, and how they were used; and
 - (v) if any CBR emergency powers were delegated under section 19(4),¹⁶ why, and to whom, the powers were delegated; and
 - (b) may include anything else the Minister considers appropriate.

15 *Police Powers and Responsibilities Act 2000*, chapter 21 (Administration), part 3 (Dealing with things in the possession of police service)

16 Section 19 (Power to authorise exercise of particular powers)

Part 4 General provisions

44 Protection of employment rights

- (1) A person must not dismiss from employment an employee who is or was absent from the employee's employment because of a relevant direction.

Maximum penalty—40 penalty units or 1 year's imprisonment.

- (2) This Act shall not be construed to prejudice any right of action by any person in respect of wrongful dismissal.
- (3) For the purpose of calculating the entitlement of any employee to long service leave, sick leave, recreation leave or other benefits to which the employee is entitled, the continuity of service of the employee is taken not to have been broken only by the employee's absence from the employment because of a relevant direction or the exercise by an emergency responder of powers under part 3.
- (4) An employee who is absent from the employee's employment because of a relevant direction is entitled to be paid by the person's employer wages payable for the period of the employee's absence during normal working hours.
- (5) Subsections (1) to (4) apply whether or not the employer in question has consented to the absence of the employee in the circumstances set out therein.
- (6) In this section—

relevant direction means either of the following, whether given under part 2 or part 3—

- (a) a resource operator direction;
- (b) a help direction.

45 Compensation for personal injury

Any person, other than a police officer, who is acting under a resource operator direction or a help direction is taken, for the *Workers' Compensation and Rehabilitation Act 2003*, to be employed by the Commissioner of the Police Service.

46 Compensation for use of, damage to or destruction of property

- (1) This section applies to a person (*claimant*)—
 - (a) whose property—
 - (i) is surrendered to the incident coordinator, the CBRE coordinator, or a police officer, under a resource surrender direction; or
 - (ii) is damaged or destroyed through the use of powers under this Act in an emergency situation or a CBR emergency; and
 - (b) who claims to have suffered financial loss because of the use, damage or destruction of the property.
- (2) The claimant, or another person authorised by the claimant for the purpose, may apply in writing to the Minister for compensation for the financial loss.
- (3) The claimant must make the application and give the Minister details of the financial loss within—
 - (a) for a claim relating to an emergency situation—28 days after the day the declaration of the emergency situation is revoked; or
 - (b) for a claim relating to a CBR emergency—3 months after the day the CBR emergency ends.
- (4) The Governor in Council may either approve an ex gratia payment to the claimant of such amount as the Governor in Council considers appropriate, or may reject the application for compensation.
- (5) Compensation payable under this section shall be paid from the consolidated fund (which is hereby to the necessary extent appropriated accordingly).

47 Protection from liability

- (1) Liability at law does not attach to the State, a Minister or an official because of anything done or omitted to be done under this Act in good faith and without negligence.
- (2) In this section—

official means—

- (a) an ambulance controller; or
- (b) the CBRE coordinator; or
- (c) the chief veterinary officer; or
- (d) an emergency responder; or
- (e) a fire controller; or
- (f) the incident coordinator; or
- (g) a medical controller; or
- (h) a person acting under a help direction or a resource operator direction.

48 Evidentiary provisions

In a proceeding for the purpose of this Act—

- (a) it shall not be necessary to prove the appointment of the incident coordinator, the CBRE coordinator, a police officer or anyone else authorised under part 3 to do any act or take any proceeding;
- (b) a signature purporting to be that of a person mentioned in paragraph (a) is taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be a copy of a certificate declaring an emergency situation pursuant to section 5 shall, upon its production in that proceeding be evidence and in the absence of evidence to the contrary, conclusive evidence of that certificate and of the matters contained therein;
- (d) a certificate signed by the CBRE coordinator and stating any of the following is evidence of what it states—
 - (i) on a stated day and at a stated time the CBRE coordinator declared a CBR emergency;
 - (ii) on a stated day and at a stated time the period of the CBR emergency was extended beyond the first 24 hours of the emergency;

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- (iii) on a stated day and at a stated time the CBRE coordinator delegated a stated power to a stated person;
 - (iv) on a stated day and at a stated time the CBRE coordinator authorised a stated emergency responder or a stated class of emergency responder to exercise a stated power under part 3;
 - (v) on a stated day and at a stated time a stated police officer seized stated property from a stated person or a stated place;
- (e) a certificate signed by any of the following and stating a stated person was authorised to exercise a stated power and when the person was authorised to exercise the power is evidence of what it states—
- (i) an ambulance controller;
 - (ii) a fire controller;
 - (iii) a medical controller;
 - (iv) the chief veterinary officer;
- (f) a certificate signed by a medical controller and stating a stated biological or radiological substance was involved in a stated CBR emergency is evidence of what it states;
- (g) a certificate signed by a fire controller and stating a stated chemical substance was involved in a stated CBR emergency is evidence of what it states;
- (h) the authority of an emergency responder to exercise a power under part 3 must be presumed, unless the contrary is proved.

Schedule Dictionary

section 4

ambulance controller means a government ambulance officer whose duties include performing functions for the Queensland Ambulance Service as a controller of ambulance officers responding to a CBR emergency.

ambulance officer means—

- (a) a government ambulance officer; or
- (b) a non-government ambulance officer.

CBR emergency see section 12.¹⁷

CBR emergency powers means powers available to the CBRE coordinator or emergency responders under part 3.

CBR substance means—

- (a) a chemical, biological or radiological substance; or
- (b) the effect of a chemical, biological or radiological substance.

CBRE ambulance officer means an ambulance officer who is authorised under part 3 to exercise powers available to an ambulance officer under that part for a particular CBR emergency.

CBRE coordinator see section 16.¹⁸

CBRE fire officer means a fire officer who is authorised under part 3 to exercise powers available to a fire officer under that part for a particular CBR emergency.

CBRE health officer means a health officer who is authorised under part 3 to exercise powers available to a health officer under that part for a particular CBR emergency.

17 Section 12 (CBR emergency may be declared)

18 Section 16 (Meaning of *CBRE coordinator*)

Schedule (continued)

CBRE police officer means a police officer who is authorised under part 3 to exercise powers available to a police officer under that part for a particular CBR emergency.

CBRE veterinary officer means a veterinary officer who is authorised under part 3 to exercise powers available to a veterinary officer under that part for a particular CBR emergency

chief veterinary officer means the veterinary officer employed to perform functions as the chief veterinary officer for the department within which the *Stock Act 1915* is administered.

commissioned officer means any police officer of or above the rank of inspector.

commissioner means the commissioner of the Queensland Police Service.

decontamination power means the power described in section 28.¹⁹

detention power means the power under section 32 to detain a person.²⁰

emergency responder means—

- (a) until a CBR emergency is declared, a person who is—
 - (i) a government ambulance officer; or
 - (ii) a government fire officer; or
 - (iii) a government health officer; or
 - (iv) a State police officer; or
 - (v) a veterinary officer; or
- (b) after a CBR emergency is declared, a person who is—
 - (i) a CBRE ambulance officer; or
 - (ii) a CBRE fire officer; or

¹⁹ Section 28 (Power to decontaminate)

²⁰ Section 32 (Power to detain)

Schedule (continued)

- (iii) a CBRE health officer; or
- (iv) a CBRE police officer; or
- (v) a CBRE veterinary officer.

emergency situation means—

- (a) any explosion or fire; or
- (b) any oil or chemical spill; or
- (c) any escape of gas, radioactive material or flammable or combustible liquids; or
- (d) any accident involving an aircraft, or a train, vessel or vehicle; or
- (e) any incident involving a bomb or other explosive device or a firearm or other weapon; or
- (f) any other accident;

that causes or may cause a danger of death, injury or distress to any person, a loss of or damage to any property or pollution of the environment, includes a situation arising from any report in respect of any of the matters referred to in paragraphs (a) to (f) which if proved to be correct would cause or may cause a danger of death, injury or distress to any person, a loss of or damage to any property or pollution of the environment.

fire controller means a government fire officer whose duties include performing functions for the Queensland Fire and Rescue Service as a controller of fire officers responding to a CBR emergency.

fire officer means—

- (a) a government fire officer; or
- (b) a non-government fire officer.

government ambulance officer means an ambulance officer under the *Ambulance Service Act 1991*.

Schedule (continued)

government doctor means a registrant under the *Medical Practitioners Registration Act 2001* who is employed in the department within which that Act is administered.

government fire officer, means a fire officer under the *Fire and Rescue Service Act 1990*.

government health officer means—

- (a) a government doctor; or
- (b) a government nurse.

government nurse means a registered nurse under the *Nursing Act 1992* who is employed in the department within which that Act is administered.

health officer means—

- (a) a government health officer; or
- (b) a non-government doctor; or
- (c) a non-government nurse.

help direction see section 8.²¹

identity power means the power described in section 27(1).²²

incident coordinator see section 5.

involved, in relation to a CBR substance, includes—

- (a) likely to be involved; and
- (b) likely to have been involved.

medical controller means a government health officer whose duties include performing functions for the department within which the *Health Services Act 1991* is administered as a controller of health officers responding to a CBR emergency.

monitor means a monitor under the *Crime and Misconduct Act 2001* or the *Police Powers and Responsibilities Act 2000*.

21 Section 8 (Powers of incident coordinator)

22 Section 27 (Power to require name and address)

Schedule (continued)

non-government ambulance officer means a person performing functions of an ambulance officer for an ambulance service other than the Queensland Ambulance Service.

non-government doctor means—

- (a) a registrant under the *Medical Practitioners Registration Act 2001* who is not a government doctor; or
- (b) a person registered as a medical practitioner under a law of another State.

non-government fire officer means a person performing functions of a fire officer for a fire authority, brigade or service other than the Queensland Fire and Rescue Service.

non-government nurse means—

- (a) a registered nurse under the *Nursing Act 1992* who is not a government nurse; or
- (b) a person registered as a nurse under a law of another State.

non-State police officer means a member of a police force or service of the Commonwealth or another State.

nurse means—

- (a) a government nurse; or
- (b) a non-government nurse.

police officer means—

- (a) a non-State police officer; or
- (b) a State police officer.

premises includes a building or structure or any part thereof, any tent, caravan, railway rolling stock, motor vehicle or other vehicle, ship, aircraft, vessel, messuage, land, easement and tenement of any tenure.

Schedule (continued)

property destruction power means the power described in section 26(1).²³

property seizure power means the power described in section 25(1).²⁴

resource means any animal or anything which may provide aid or be of assistance in any emergency situation.

resource operator direction see section 8.²⁵

resource surrender direction see section 8.

State police officer means a police officer under the *Police Service Administration Act 1990*.

treatment power means the power described in sections 29(2) and 30(3).²⁶

veterinary officer means a government veterinary officer under the *Stock Act 1915*.

23 Section 26 (Power to destroy seized property)

24 Section 25 (Power to seize property)

25 Section 8 (Powers of incident coordinator)

26 Sections 29 (Power to medically examine and treat) and 30 (Refusal of medical treatment)

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 July 2006. Future amendments of the Public Safety Preservation Act 1986 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	15 January 1996
1A	1996 Act No. 75	1 February 1997	20 February 1997
1B	2000 Act No. 5	1 July 2000	1 September 2000

Reprint No.	Amendments included	Effective	Notes
1C	2003 Act No. 19	9 May 2003	
1D	2003 Act No. 27	1 July 2003	
1E	2003 Act No. 46	27 August 2003	
1F	2003 Act No. 91	31 March 2004	
1G	2005 Act No. 48	1 December 2005	
1H	2000 Act No. 5 (amd 2006 Act No. 26)	21 July 2006	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Public Safety Preservation Act 1986 No. 25

date of assent 8 April 1986

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1997 (1996 SL No. 442)

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 461 (prev s 373) sch 3

date of assent 23 March 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

Statute Law (Miscellaneous Provisions) Act 2003 No. 19 ss 1, 3 sch

date of assent 9 May 2003

commenced on date of assent

Workers' Compensation and Rehabilitation Act 2003 No. 27 ss 1–2(2), 622 sch 5

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (see s 2(2))

Chemical, Biological and Radiological Emergency Powers Amendment Act 2003 No. 46 ss 1–18

date of assent 27 August 2003

commenced on date of assent

Disaster Management Act 2003 No. 91 ss 1–2, 175 sch 1

date of assent 18 November 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 31 March 2004 (2004 SL No. 24)

Public Health Act 2005 No. 48 ss 1–2, 492 sch 1

date of assent 2 November 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2005 (2005 SL No. 280)

**Police Powers and Responsibilities Act 2000 No. 5 s 810 sch 4 (prev s 459A sch 3A)
(this Act is amended, see amending legislation below)**

amending legislation—

**Police Powers and Responsibilities and Other Acts Amendment Act 2006
No. 26 ss 1–2, 84, 86 (amends 2000 No. 5 above)**

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 21 July 2006 (2006 SL No. 185)

7 List of annotations

Title amd 2003 No. 46 s 3**Arrangement of Act****s 2** om R1 (see RA s 36)**Definitions****prov hdg** sub 1995 No. 58 s 4 sch 1**s 4** amd 2003 No. 46 s 4(1)

Note—s 4 previously contained definitions for this Act. Definitions are now located in the schedule (Dictionary).

Notes

s 4A ins 2003 No. 46 s 5

Declaration of emergency situation

s 5 amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 6

Disaster Management Act 2003

prov hdg sub 2003 No. 19 s 3 sch; 2003 No. 91 s 175 sch 1

s 6 amd 1995 No. 58 s 4 sch 1; 2003 No. 19 s 3 sch; 2003 No. 91 s 175 sch 1

Power to delegate

s 7 amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 7

Powers of incident coordinator

s 8 amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 8

PART 3—CHEMICAL, BIOLOGICAL AND RADIOLOGICAL EMERGENCIES

pt hdg prev pt hdg om 2000 No. 5 s 461 sch 3

pres pt hdg ins 2003 No. 46 s 13

Division 1—Preliminary

div hdg ins 2003 No. 46 s 13

Parliament's intention

s 9 ins 2003 No. 46 s 13

Relationship to other Acts

s 10 ins 2003 No. 46 s 13

amd 2003 No. 91 s 175 sch 1

CBR emergency powers and powers under other Acts

s 11 ins 2003 No. 46 s 13

Division 2—Declaring, extending and ending CBR emergencies

div hdg ins 2003 No. 46 s 13

CBR emergency may be declared

s 12 prev s 12 om 2000 No. 5 s 461 sch 3

pres s 12 ins 2003 No. 46 s 13

Extension of CBR emergency up to 7 days

s 13 prev s 13 om 2000 No. 5 s 461 sch 3

pres s 13 ins 2003 No. 46 s 13

Extension of CBR emergency beyond 7 days

s 14 prev s 14 om 2000 No. 5 s 461 sch 3

pres s 14 ins 2003 No. 46 s 13

Ending CBR emergency

s 15 prev s 15 om 2000 No. 5 s 461 sch 3

pres s 15 ins 2003 No. 46 s 13

Division 3—CBRE coordinator's coordination responsibility and general powers

div hdg ins 2003 No. 46 s 13

Subdivision 1—CBRE coordinator

sdiv hdg ins 2003 No. 46 s 13

Meaning of “CBRE coordinator”

s 16 prev s 16 amd 1995 No. 58 s 4 sch 1; 2000 No. 5 s 461 sch 3
om 2003 No. 46 s 14
pres s 16 ins 2003 No. 46 s 13

Coordination responsibility

s 17 ins 2003 No. 46 s 13

Powers of CBRE coordinator

s 18 ins 2003 No. 46 s 13

Power to authorise exercise of particular powers

s 19 ins 2003 No. 46 s 13

Subdivision 2—Powers available to emergency responders

sdiv 2 (ss 20–24) ins 2003 No. 46 s 13

Division 4—Exercise of powers

div hdg ins 2003 No. 46 s 13

Power to seize property

s 25 ins 2003 No. 46 s 13

Power to destroy seized property

s 26 ins 2003 No. 46 s 13

Power to require name and address

s 27 ins 2003 No. 46 s 13
amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86)

Power to decontaminate

s 28 ins 2003 No. 46 s 13

Power to medically examine and treat

s 29 ins 2003 No. 46 s 13

Refusal of medical treatment

s 30 ins 2003 No. 46 s 13

Power to give particular directions

s 31 ins 2003 No. 46 s 13

Division 5—Provisions about detention

div 5 (ss 32–40) ins 2003 No. 46 s 13

Division 6—Other provisions

div hdg ins 2003 No. 46 s 13

Record of seized property to be kept

s 41 ins 2003 No. 46 s 13
amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86)

Return etc. of seized property

s 42 ins 2003 No. 46 s 13
amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86)

Reports

s 43 ins 2003 No. 46 s 13

PART 4—GENERAL PROVISIONS**Protection of employment rights**

- s 44** (prev s 9) amd 2003 No. 46 s 9
renum and reloc 2003 No. 46 s 12

Compensation for personal injury

- s 45** (prev s 10) amd 1996 No. 75 s 535 sch 2; 2003 No. 27 s 622 sch 5; 2003 No. 46 s 10
renum and reloc 2003 No. 46 s 12

Compensation for use of, damage to or destruction of property

- prov hdg** amd 2003 No. 46 s 11(1)
s 46 (prev s 11) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 11(2)–(3)
renum and reloc 2003 No. 46 s 12

Protection from liability

- s 47** (prev s 17) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 15
renum 2003 No. 46 s 17

Evidentiary provisions

- s 48** (prev s 18) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 16
renum 2003 No. 46 s 17

SCHEDULE—DICTIONARY

- sch** ins 2003 No. 46 s 18
Note—definitions for this Act were originally located in s 4.
def “**ambulance controller**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**ambulance officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBR emergency**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBR emergency powers**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBR substance**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE ambulance officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE coordinator**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE fire officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE health officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE police officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**CBRE veterinary officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**chief veterinary officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def “**commissioned officer**” reloc 2003 No. 46 s 4(3)

- def “**commissioner**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**decontamination power**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**detention power**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**emergency responder**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**emergency situation**” reloc 2003 No. 46 s 4(3)
- def “**fire controller**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**fire officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**government ambulance officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**government doctor**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**government fire officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**government health officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**government nurse**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**health officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**help direction**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**identity power**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**incident coordinator**” ins 1995 No. 58 s 4 sch 1
reloc 2003 No. 46 s 4(3)
- def “**involved**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**medical controller**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
amd 2005 No. 48 s 492 sch 1
- def “**member of the police force**” om from s 4 1995 No. 58 s 4 sch 1
- def “**Minister**” om from s 4 1995 No. 58 s 4 sch 1
- def “**monitor**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**non-government ambulance officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**non-government doctor**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**non-government fire officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**non-government nurse**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def “**non-State police officer**” ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)

- def **“nurse”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“police officer”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“premises”** reloc 2003 No. 46 s 4(3)
- def **“property destruction power”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“property seizure power”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“resource”** reloc 2003 No. 46 s 4(3)
- def **“resource operator direction”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“resource surrender direction”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“State police officer”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“treatment power”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
- def **“veterinary officer”** ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)