



Disaster Management Act 2003

Current as at 21 May 2014

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Queensland

Disaster Management Act 2003

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Disaster Management Act 2003

[as amended by all amendments that commenced on or before 21 May 2014]

An Act to provide for matters relating to disaster management in the State, and for other purposes

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Disaster Management Act 2003*.

2 Commencement

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

Division 2 Objects

3 Main objects of Act

The main objects of this Act are as follows—

- (a) to help communities—
 - (i) mitigate the potential adverse effects of an event; and
 - (ii) prepare for managing the effects of an event; and
 - (iii) effectively respond to, and recover from, a disaster or an emergency situation;

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- (b) to provide for effective disaster management for the State.

4 How the objects are to be primarily achieved

The objects are to be achieved primarily by making provision about the following—

- (a) establishing disaster management groups for the State, disaster districts and local government areas;
- (b) preparing disaster management plans and guidelines;
- (c) ensuring communities receive appropriate information about preparing for, responding to and recovering from a disaster;
- (d) declaring a disaster situation;
- (e) establishing the Office of the Inspector-General of Emergency Management.

4A Guiding principles

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

- (a) disaster management should be planned across the following four phases—
 - (i) the taking of preventative measures to reduce the likelihood of an event occurring or, if an event occurs, to reduce the severity of the event;
 - (ii) the taking of preparatory measures to ensure that, if an event occurs, communities, resources and services are able to cope with the effects of the event;
 - (iii) the taking of appropriate measures to respond to an event, including action taken and measures planned in anticipation of, during, and immediately after an event to ensure that its effects are

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

Division 3 Application

5 Act binds all persons

- (1) This Act binds all persons including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Subsection (1) does not make the State, the Commonwealth or another State liable for an offence.

6 Relationship to other Acts about particular declarations

- (1) Nothing in this Act prevents a person declaring an emergency under another Act.

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Examples of other Acts—

- *Public Safety Preservation Act 1986*
- *State Transport Act 1938*

- (2) However, the existence of a declaration mentioned in subsection (1) does not prevent the declaration of a disaster situation under this Act.

7 Public Safety Preservation Act 1986, pt 3, not affected

This Act is in addition to, and does not limit, the *Public Safety Preservation Act 1986*, part 3.

8 Powers under this Act and other Acts

- (1) This section applies to a person exercising declared disaster powers or rescue powers under this Act.

Examples of persons who may be exercising the powers—

- an ambulance officer under the *Ambulance Service Act 1991*
- a fire officer under the *Fire and Emergency Services Act 1990*
- a police officer under the *Police Service Administration Act 1990*

- (2) The declared disaster powers and rescue powers are in addition to and do not limit the powers the person may have under another Act.

9 Directions about powers under other Acts during disaster situation

- (1) This section applies if there is a disaster situation.
- (2) The chairperson of the State group, or a relevant district disaster coordinator for the disaster situation, may give directions about the circumstances in which a power under another Act may be exercised during the period of the disaster situation.
- (3) However, the chairperson or relevant district disaster coordinator must not give directions about the way in which the power may be exercised.

-
- (4) A direction under subsection (2) may be given—
- (a) only to the person who may exercise the power under the other Act; and
 - (b) only if it is necessary for effective management of the disaster for which the disaster situation is declared.

Examples—

- The chairperson of the State group may direct an authorised person under the *Environmental Protection Act 1994* to delay exercising particular powers until the chairperson considers it is appropriate in the circumstances for the powers to be exercised.
 - If the disaster situation involves an outbreak of an exotic disease, the chairperson of the State group may direct an inspector under the *Exotic Diseases in Animals Act 1981* to delay exercising particular powers until the chairperson considers it is appropriate in the circumstances for the powers to be exercised.
- (5) Also, a direction under subsection (2)—
- (a) may be general or limited to a particular class of persons; and
 - (b) may be given on conditions.
- (6) Before giving a direction under subsection (2) about the exercise of a power under another Act, the chairperson or relevant district disaster coordinator must take reasonable steps to consult with the chief executive of the department or other agency in which the Act is administered.
- (7) A failure to consult under subsection (6) does not affect the validity of the direction.
- (8) Subsection (2) does not apply to the *Police Powers and Responsibilities Act 2000* or to terrorist emergency powers or CBR emergency powers under the *Public Safety Preservation Act 1986*.

10 Limit on application of Act in particular circumstances

This Act does not authorise anyone to do, or make preparations to do, any of the following—

- (a) engage in armed combat against an enemy;

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- (b) put down a riot or other civil disturbance;
- (c) end a strike or lockout.

Division 4 Interpretation

11 Definitions

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

13 Meaning of *disaster*

- (1) A *disaster* is a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.
- (2) In this section—
serious disruption means—
 - (a) loss of human life, or illness or injury to humans; or
 - (b) widespread or severe property loss or damage; or
 - (c) widespread or severe damage to the environment.

14 Meaning of *disaster management*

Disaster management means arrangements about managing the potential adverse effects of an event, including, for example, arrangements for mitigating, preventing, preparing for, responding to and recovering from a disaster.

15 Meaning of *disaster operations*

Disaster operations means activities undertaken before, during or after an event happens to help reduce loss of human life, illness or injury to humans, property loss or damage, or

damage to the environment, including, for example, activities to mitigate the adverse effects of the event.

16 Meaning of *event*

- (1) An *event* means any of the following—
- (a) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening;
 - (b) an explosion or fire, a chemical, fuel or oil spill, or a gas leak;
 - (c) an infestation, plague or epidemic;
Example of an epidemic—
a prevalence of foot-and-mouth disease
 - (d) a failure of, or disruption to, an essential service or infrastructure;
 - (e) an attack against the State;
 - (f) another event similar to an event mentioned in paragraphs (a) to (e).
- (2) An *event* may be natural or caused by human acts or omissions.

Division 4A Functions of chief executive

16A Functions of chief executive

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

- (a) to establish and maintain arrangements between the State and the Commonwealth about matters relating to effective disaster management;
- (b) to ensure that disaster management and disaster operations in the State are consistent with the following—

[s 16B]

- (i) the State group's strategic policy framework for disaster management for the State;
 - (ii) the State disaster management plan;
 - (iii) the disaster management standards;
 - (iv) the disaster management guidelines;
- (c) to ensure that persons performing functions under this Act in relation to disaster operations are appropriately trained;
- (d) to provide advice and support to the State group and local and district groups in relation to disaster management and disaster operations.

Part 1A Office of the Inspector-General of Emergency Management

Division 1 Establishment

16B Establishment

The Office of the Inspector-General of Emergency Management (the *office*) is established.

Division 2 Functions

16C Office's functions

The office has the following functions—

- (a) to regularly review and assess the effectiveness of disaster management by the State, including the State disaster management plan and its implementation;

- (b) to regularly review and assess the effectiveness of disaster management by district groups and local groups, including district and local disaster management plans;
- (c) to regularly review and assess cooperation between entities responsible for disaster management in the State, including whether the disaster management systems and procedures employed by those entities are compatible and consistent;
- (d) to make disaster management standards;
- (e) to regularly review and assess disaster management standards;
- (f) to review, assess and report on performance by entities responsible for disaster management in the State against the disaster management standards;
- (g) to work with entities performing emergency services, departments and the community to identify and improve disaster management capabilities, including volunteer capabilities;
- (h) to monitor compliance by departments with their disaster management responsibilities;
- (i) to identify opportunities for cooperative partnerships to improve disaster management outcomes;
- (j) to report to, and advise, the Minister about issues relating to the functions mentioned in paragraphs (a) to (i);
- (k) to make all necessary inquiries to fulfil the functions mentioned in this section;
- (l) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

[s 16D]

Division 3 Membership of the office

16D Membership of office

The office consists of—

- (a) the inspector-general; and
- (b) the staff of the office.

Division 4 Staff of the office

Subdivision 1 Inspector-General of Emergency Management

16E Inspector-General of Emergency Management

- (1) There is to be an Inspector-General of Emergency Management.
- (2) The inspector-general is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment as the inspector-general only if the Minister is satisfied the person is appropriately qualified to exercise the inspector-general's functions and powers effectively and efficiently.

16F Inspector-general employed under this Act

The inspector-general is employed under this Act and not the *Public Service Act 2008*.

16G Term of office

The inspector-general holds office for the term, of not more than 5 years, stated in the inspector-general's instrument of appointment.

16H Functions of inspector-general

- (1) The main functions of the inspector-general are as follows—
 - (a) to ensure the effective and efficient administration and operation of the office and the performance of its functions;
 - (b) to manage the staff of the office in accordance with the requirements of this Act and the *Public Service Act 2008*.
- (2) The inspector-general's functions also include any other function given to the inspector-general under this Act or another Act.

16I Conditions of appointment

- (1) The inspector-general is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The inspector-general holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

16J Vacancy in office of inspector-general

- (1) The office of the inspector-general becomes vacant—
 - (a) if the inspector-general—
 - (i) resigns office by signed notice to the Minister giving at least 1 month's notice; or
 - (ii) is convicted of an indictable offence; or
 - (iii) is a person who is an insolvent under administration under the Corporations Act, section 9; or
 - (iv) is removed from office by the Governor in Council under subsection (2); or
 - (b) if the inspector-general is suspended by the Minister under subsection (4)—during the period of the suspension.

[s 16K]

- (2) The Governor in Council may, at any time, remove the inspector-general from office on the recommendation of the Minister.
- (3) The Minister may recommend the inspector-general's removal only if the Minister is satisfied the inspector-general—
 - (a) has been guilty of misconduct; or
 - (b) is incapable of performing his or her duties; or
 - (c) has neglected his or her duties or performed them incompetently.
- (4) The Minister may suspend the inspector-general for up to 60 days by signed notice to the inspector-general if—
 - (a) there is an allegation of misconduct against the inspector-general; or
 - (b) the Minister is satisfied a matter has arisen in relation to the inspector-general that may be grounds for removal under this section.

16K Preservation of rights of inspector-general

- (1) This section applies if a person who is a public service employee is appointed as the inspector-general.
- (2) The person keeps all rights accrued or accruing to the person as a public service employee as if service as the inspector-general were a continuation of service as a public service employee.
- (3) At the end of the person's term of office or on resignation as the inspector-general, the person's service as the inspector-general is taken to be service of a like nature in the public service for deciding the person's rights as a public service employee.

16L Acting inspector-general

The Minister may appoint a person to act in the office of inspector-general during—

- (a) a vacancy in the office of inspector-general; or
- (b) any period, or all periods, when the inspector-general is absent from duty, or can not, for another reason, perform the functions of the office.

Subdivision 2 Staff

16M Office staff

- (1) The office may employ the staff it considers appropriate to perform its functions or exercise its powers.
- (2) The staff are to be employed under the *Public Service Act 2008*.

Division 5 Disaster management standards

16N Making standards

- (1) The inspector-general may make 1 or more standards (each a *disaster management standard*) about the way in which entities responsible for disaster management in the State are to undertake disaster management.

16O Access to standards

The inspector-general must ensure the disaster management standards are published on the office's website.

Division 6 Miscellaneous

16P Provision of information

- (1) Subsection (2) applies if the inspector-general considers a public sector unit has information necessary for the

[s 16Q]

performance of the inspector-general's or the office's functions.

- (2) The inspector-general may ask the public sector unit to give the inspector-general the information within a stated reasonable time.
- (3) The public sector unit must comply with the request unless it reasonably considers the disclosure of the information—
 - (a) is prohibited under an Act; or
 - (b) is impracticable; or
 - (c) would prejudice the investigation of a contravention, or possible contravention, of a law; or
 - (d) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; or
 - (e) would endanger a person's life or safety.
- (4) If the public sector unit decides not to comply with the request, the unit must advise the inspector-general of its reasons for not doing so.
- (5) The inspector-general may enter into an arrangement with a public sector unit about the provision by the unit of information in the unit's possession that is required by the inspector-general.
- (6) In this section—

public sector unit includes the chief executive, however described, of the unit.

16Q Delegations

- (1) The inspector-general may delegate a function of the inspector-general under this Act to an appropriately qualified person.
- (2) A delegation of a function may permit the subdelegation of the function.

- (3) In this section—
function includes power or responsibility.

Part 2 Disaster management groups and committees

Division 1 State Disaster Management Group

Subdivision 1 Establishment and functions

17 Establishment

The State Disaster Management Group (the *State group*) is established.

18 Functions

The State group has the following functions—

- (a) to develop a strategic policy framework for disaster management for the State;
- (b) to ensure effective disaster management is developed and implemented for the State;
- (c) to ensure arrangements between the State and the Commonwealth about matters relating to effective disaster management are established and maintained;
- (d) to identify resources, in and outside the State, that may be used for disaster operations;
- (e) to provide reports and make recommendations to the Minister about matters relating to disaster management and disaster operations;

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- (f) to prepare, under section 49, the State disaster management plan;
- (g) to coordinate State and Commonwealth assistance for disaster management and disaster operations;
- (h) to perform other functions given to the group under this or another Act;
- (i) to perform a function incidental to a function mentioned in paragraphs (a) to (h).

Subdivision 2 Membership

19 Membership

- (1) The State group consists of the following members—
 - (a) the chief executive of the department;
 - (b) the chief executive of the department in which the *Constitution of Queensland 2001* is administered;
 - (c) the commissioner of the police service;
 - (d) a number of persons, each being the chief executive of another department;
 - (e) an officer of the department who is appropriately qualified to provide advice on disaster management;
 - (f) an officer of LGAQ Ltd as defined in the *Local Government Act 2009*, section 287;
 - (g) an officer of the Australian Defence Force who is appropriately qualified to provide advice on the role of the Australian Defence Force in disaster management;
 - (h) an employee of the Australian Red Cross Society who is appropriately qualified to provide advice on how the Society can contribute to disaster management;
 - (i) an employee of Surf Life Saving Queensland ABN 27 360 485 381 who is appropriately qualified to provide

advice on how Surf Life Saving Queensland can contribute to disaster management;

- (j) an officer of the Commonwealth Bureau of Meteorology established under the *Meteorology Act 1955* (Cwlth) who is appropriately qualified to provide hydrological and meteorological advice, and advice on how the Bureau can contribute to disaster management.
- (2) The members mentioned in subsection (1)(d) to (j) are to be appointed by the Governor in Council.

20 Chairperson and deputy chairperson

- (1) The chief executive of the department in which the *Constitution of Queensland 2001* is administered is the chairperson of the State group.
- (2) The commissioner of the police service is the deputy chairperson of the State group.
- (3) The deputy chairperson is to act as chairperson—
 - (a) during a vacancy in the office of chairperson; and
 - (b) during all periods when the chairperson is absent from duty or for another reason can not perform the functions of the office.

20A Functions of chairperson of State group

The chairperson of the State group has the following functions—

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

20B Chairperson may give notice about deemed approvals under Sustainable Planning Act

- (1) This section applies—

[s 20B]

- (a) if there is a disaster situation; and
 - (b) despite the Sustainable Planning Act.
- (2) The chairperson of the State group may give a written notice to a relevant local government for the disaster situation stating that the deemed approval provisions do not apply to a development application (an *affected application*) made to the local government but not decided before the day the local government receives the notice.
- (3) The chairperson may give the notice only if satisfied the giving of the notice is appropriate having regard to the effect on the relevant local government of the disaster for which the disaster situation has been declared.
- (4) The notice must state a day (the *stated day*), being not more than 20 business days after the disaster situation ends, the notice ceases to have effect.
- (5) As soon as practicable after giving a notice to a local government under subsection (2), the chairperson must publish, in a newspaper circulating in the local government's local government area, a notice stating—
- (a) that the notice under subsection (2) has been given to the local government; and
 - (b) how the notice affects development applications made to the local government.
- (6) If a notice is given to a local government under subsection (2)—
- (a) the deemed approval provisions are taken not to apply to an affected application—
 - (i) from the day the local government receives the notice; and
 - (ii) to the end of the stated day; and
 - (b) the applicant for the affected application can not give a deemed approval notice under the Sustainable Planning Act for the application until after the end of the stated day; and

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- (c) a deemed approval notice given, or purportedly given, under the Sustainable Planning Act for the application after the day the local government receives the notice under subsection (2), and before the stated day ends, is taken to be of no effect under that Act.

- (7) In this section—

deemed approval provisions means the Sustainable Planning Act, chapter 6, part 5, division 3, subdivision 4.

development application see the Sustainable Planning Act, schedule 3.

relevant local government, for a disaster situation, means a local government in whose local government area the declared area, or part of the declared area, for the disaster situation is situated.

Sustainable Planning Act means the *Sustainable Planning Act 2009*.

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

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

21A Executive officer to provide support

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

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

[s 21B]

21B State disaster coordinator

- (1) The chairperson of the State group may, if satisfied that it is necessary to appoint a person as a State disaster coordinator to coordinate disaster operations for the State group, appoint—
 - (a) a deputy commissioner of the police service; or
 - (b) another person the chairperson decides, after considering the nature of the disaster operations, should be appointed to coordinate the operations.
- (2) The chairperson must consult with the commissioner of the police service before making the appointment.
- (3) The appointment must be in writing and may only be terminated in writing.
- (4) The chairperson may only appoint a person, other than a deputy commissioner of the police service, as a State disaster coordinator if the chairperson is satisfied the person has the necessary expertise or experience to perform the functions of a State disaster coordinator.
- (5) The chairperson must advise the chairperson of each relevant district group and each relevant local disaster coordinator that a State disaster coordinator has been appointed.
- (6) The chairperson must terminate the appointment if the chairperson decides, after consulting with the commissioner of the police service, that it is no longer necessary for a State disaster coordinator to coordinate disaster operations for the State group.
- (7) The chairperson must advise the State group, the chairperson of each relevant district group and each relevant local disaster coordinator, of the termination of the appointment.
- (8) In this section—

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

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

21C Functions of State disaster coordinator

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

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

21D State recovery coordinator

- (1) The chairperson of the State group may appoint a person as the State recovery coordinator for a disaster if—
 - (a) after consulting with the chief executive and the commissioner of the police service, the chairperson is satisfied that it is necessary for a State recovery coordinator to be appointed; and
 - (b) after consulting with the chief executive, the chairperson is satisfied the person has the necessary expertise or experience to perform the functions of the State recovery coordinator.
- (2) The appointment must be in writing and may only be terminated in writing.

[s 21E]

- (3) The chairperson of the State group must terminate the appointment if the chairperson decides, after consulting with the chief executive, that it is no longer necessary for a State recovery coordinator to coordinate disaster operations for the State group.
- (4) The chairperson must advise the State group of the termination of the appointment.

21E Functions of State recovery coordinator

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

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

Division 2 District disaster management groups

Subdivision 1 Establishment and functions

22 Establishment

A District Disaster Management Group (a *district group*) is established for each disaster district.

23 Functions

A district group has the following functions for the disaster district for which it is established—

- (a) to ensure that disaster management and disaster operations in the district are consistent with the State group's strategic policy framework for disaster management for the State;
- (b) to develop effective disaster management for the district, including a district disaster management plan, and regularly review and assess that disaster management;
- (c) to provide reports and make recommendations to the State group about matters relating to disaster management and disaster operations in the district;
- (d) to regularly review and assess—
 - (i) the disaster management of local groups in the district; and
 - (ii) local disaster management plans prepared by local governments whose areas are in the district;
- (e) to ensure that any relevant decisions and policies made by the State group are incorporated in its disaster management, and the disaster management of local groups in the district;
- (f) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- (g) to coordinate the provision of State resources and services provided to support local groups in the district;
- (h) to identify resources that may be used for disaster operations in the district;
- (i) to make plans for the allocation, and coordination of the use, of resources mentioned in paragraph (h);
- (j) to establish and review communications systems in the group, and with and between local groups in the district, for use when a disaster happens;

[s 24]

- (k) to ensure information about an event or a disaster in the district is promptly given to the State group and each local group in the district;
- (l) to prepare, under section 53, a district disaster management plan;
- (m) to perform other functions given to the group under this Act;
- (n) to perform a function incidental to a function mentioned in paragraphs (a) to (m).

Subdivision 2 Membership

24 Membership

- (1) A district group consists of the following members—
 - (a) the person appointed as the chairperson of the district group under section 25(1)(a);
 - (b) the person appointed as the deputy chairperson of the district group under section 25(1)(b);
 - (c) the person appointed as the executive officer of the district group under section 27;
 - (d) a person appointed by—
 - (i) if there is 1 local government only in the disaster district for the district group—the local government; or
 - (ii) if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31—each local government; or
 - (iii) if there are 2 or more local governments in the disaster district and all the local governments unite under section 31—each combined local government; or

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- (iv) if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31—
 - (A) each local government that does not unite; and
 - (B) each combined local government;
 - (e) a number of persons, each of whom represents a department, or a Hospital and Health Service, the chief executive of the department considers appropriate to be represented on the group, having regard to effective disaster management for the disaster district;
 - (f) any other person appointed by the chief executive of the department that the chief executive considers appropriate to be a member of the district group, having regard to effective disaster management for the disaster district.
- (2) Under subsection (1)(d)(ii), (iii) and (iv), each local government or combined local government is to appoint a separate person.
 - (3) The members mentioned in subsection (1)(e) 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) 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 for the disaster district.
 - (5) Before appointing a person under subsection (1)(f), the chief executive of the department must consult with the chairperson for the disaster district.
 - (6) As soon as practicable after a local government or a combined local government appoints a person under subsection (1)(d), 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.

[s 25]

- (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.

25 Chairperson and deputy chairperson

- (1) The commissioner of the police service must appoint—
- (a) a person as the chairperson of a district group; and
 - (b) a person as the deputy chairperson of a district group.
- (2) The commissioner of the police service may appoint a person under subsection (1) only if satisfied the person has the necessary expertise or experience to perform the functions and exercise the powers of a chairperson or deputy chairperson.

25A District disaster coordinator

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

26 Functions of chairperson of district group

The chairperson of a district group has the following functions—

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

26A Function of district disaster coordinator

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

27 Executive officer of district group

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

28 Functions of executive officer of district group

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

Subdivision 3 Temporary district groups

28A Temporary disaster district groups

- (1) This section applies if the chairperson of the State group is satisfied that a disaster has happened, is happening or is likely to happen, in two or more adjoining disaster districts.
- (2) The chairperson may, after consulting with the commissioner of the police service, establish a temporary district disaster management group (a *temporary district group*) for the districts.
- (3) The temporary district group is responsible, as directed by the chairperson, for the management of the disaster for the districts.
- (4) The chairperson must publish details of the districts for which the temporary district group is established by gazette notice.

[s 28B]

- (5) The chairperson must dissolve the temporary district group when the chairperson is satisfied that it is no longer required.

28B Membership of temporary district group

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

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

- (1) After consulting with the commissioner of the police service, the chairperson of the State group must appoint a chairperson and a deputy chairperson for the temporary district group.

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

28D Functions of chairperson of temporary district group

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

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

28E Temporary district disaster coordinator

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

28F Function of temporary district disaster coordinator

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

[s 29]

Division 3 Local government disaster management groups

Subdivision 1 Establishment and functions

29 Establishment

A local government must establish a Local Disaster Management Group (a *local group*) for the local government's area.

30 Functions

A local group has the following functions for its area—

- (a) to ensure that disaster management and disaster operations in the area are consistent with the State group's strategic policy framework for disaster management for the State;
- (b) to develop effective disaster management, and regularly review and assess the disaster management;
- (c) to help the local government for its area to prepare a local disaster management plan;
- (d) to identify, and provide advice to the relevant district group about, support services required by the local group to facilitate disaster management and disaster operations in the area;
- (e) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- (f) to manage disaster operations in the area under policies and procedures decided by the State group;
- (g) to provide reports and make recommendations to the relevant district group about matters relating to disaster operations;

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- (h) to identify, and coordinate the use of, resources that may be used for disaster operations in the area;
 - (i) to establish and review communications systems in the group, and with the relevant district group and other local groups in the disaster district of the relevant district group, for use when a disaster happens;
 - (j) to ensure information about a disaster in the area is promptly given to the relevant district group;
 - (k) to perform other functions given to the group under this Act;
 - (l) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

Subdivision 2 Application of sections 29 and 30 in particular circumstances

31 Local governments may combine

Despite section 29, 2 or more local governments (the *combined local government*) may, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local governments are situated, agree to unite for the purpose of establishing a local group.

32 Application of ss 29 and 30

- (1) This section applies if 2 or more local governments agree as mentioned in section 31.
- (2) Sections 29 and 30 apply to the combined local government and local group as if—
 - (a) a reference to a local government were a reference to a combined local government; and
 - (b) a reference to the local government's area or the local group's area were a reference to the area of the combined local government.

Subdivision 3 Membership

33 Membership

- (1) A local group consists of the persons appointed as members of the group by the relevant local government for the group.
- (2) At least 1 person appointed under subsection (1) must be a person nominated by the chief executive of the department.
- (3) At least 1 person appointed under subsection (1) must be a councillor of a local government.
- (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.

34 Chairperson and deputy chairperson of local group

- (1) The relevant local government for a local group is to appoint—
 - (a) a member of the group as the chairperson of the group; and
 - (b) a member of the group as the deputy chairperson of the group.
- (2) The member appointed as the chairperson must be a councillor of a local government.

34A Functions of chairperson of local group

The chairperson of a local group has the following functions—

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

35 Local disaster coordinator

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

36 Functions of local disaster coordinator

The local disaster coordinator has the following functions—

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

37 Notice about membership of local group

The relevant local government for a local group must, at least once a year, give written notice of the members of the group to—

- (a) the chief executive; and
- (b) the chairperson for the disaster district in which the local group is situated.

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Division 4 Business and meetings for disaster management groups

38 Conduct of business

Subject to this division, a disaster management group may conduct its business, including its meetings, in the way it considers appropriate.

39 Times and places of meetings

- (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.
- (2) However, the chairperson of the State group must call a meeting if asked, in writing, to do so by the Minister or at least one-half of its members.
- (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.
- (4) In addition, the chairperson of a local group must call a meeting if asked, in writing, to do so by—
 - (a) the chairperson for the disaster district in which the local group is situated; or
 - (b) at least one-half of the members of the local group.
- (5) For subsections (2) to (4), the requirement to request, in writing, the meeting to be called does not apply if—
 - (a) it is not practicable to request the meeting to be called in writing in all the circumstances; and
 - (b) the request to call the meeting is made orally, and the request is put in writing as soon as reasonably practicable.

40 Quorum

A quorum for a meeting of a disaster management group is the number equal to—

- (a) one-half of its members for the time being holding office plus 1; or
- (b) if one-half of its members for the time being holding office is not a whole number, the next highest whole number.

40A Meeting deputies for particular members

- (1) A member of a disaster management group may, with the approval of the chairperson of the group, appoint by signed notice another person as his or her deputy.
- (2) The deputy may attend a group meeting in the member's absence and exercise the member's functions and powers under this Act at the meeting.
- (3) A deputy attending a group meeting is to be counted in deciding if there is a quorum for the meeting.

41 Presiding at meetings

- (1) The chairperson of a disaster management group is to preside at all meetings of the group at which the chairperson is present.
- (2) If the chairperson is absent from a meeting of the group, but the deputy chairperson is present, the deputy chairperson is to preside.
- (3) If the chairperson and deputy chairperson are both absent from a meeting of the group—
 - (a) the member of the group nominated by the chairperson is to preside; or
 - (b) if the chairperson does not nominate a member under paragraph (a)—the member nominated by the deputy chairperson is to preside.

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- (4) If the offices of chairperson and deputy chairperson are vacant, the member of the group chosen by the members present is to preside.

42 Conduct of meetings

- (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.

Example of use of technology—

teleconferencing

- (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.
- (3) A resolution is validly made by a disaster management group, even if it is not passed at a meeting of the group, if—
- (a) a majority of the members of the group gives written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the group.

43 Minutes

A disaster management group must keep minutes of its meetings.

Division 5 Annual report, and directions about functions

Subdivision 1 Annual report

44 Annual report

- (1) As soon as practicable after the end of each financial year, the State group must prepare and give to the Minister a written report about disaster management in the State.
- (2) The report must include the following—
 - (a) information about activities undertaken during the financial year to maintain or enhance the State's disaster management;
 - (b) details of disaster operations performed during the financial year;
 - (c) information about priorities for disaster management;
 - (d) other matters about disaster management the Minister considers appropriate.

Subdivision 2 Directions about functions

45 Minister may give directions

- (1) The Minister may give the State group a written direction about the performance of its functions if satisfied it is necessary to give the direction to ensure the functions are performed appropriately.
- (2) The group must comply with the direction.
- (3) However, before giving the direction, the Minister must consult with the chairperson of the group.

[s 46]

46 Chairperson of State group may give directions

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

47 District disaster coordinator may give directions

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

Division 6 Committees for disaster management groups

48 Committees

- (1) The Minister may establish committees to perform any of the following functions—
 - (a) to help a disaster management group perform its functions;
 - (b) to advise and make recommendations to the Minister or a disaster management group about matters relating to disaster management referred by the Minister or disaster management group to the committee;
 - (c) to perform another function, decided by the Minister, incidental to a function mentioned in paragraph (a) or (b).
- (2) The Minister may appoint an individual to a committee if satisfied the individual has the necessary expertise or experience to help the committee to perform its functions.
- (3) A committee may conduct its business, including its meetings, in the way it considers appropriate.

Division 7 Requirement for disaster management groups to consult

48A Essential services providers

- (1) If the chairperson of a disaster management group considers a provider of essential services can help the group perform its functions, the group must consult with the provider in performing the functions.

Examples of essential services—

gas, electricity, telecommunications, water, sewerage infrastructure

- (2) The group may consult with the provider by, for example—

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- (a) inviting the provider to attend meetings held by the group; or
- (b) seeking the provider's advice in providing reports and making recommendations about matters relating to disaster management and disaster operations; or
- (c) seeking the provider's advice in preparing disaster management plans.

Part 3 Disaster management plans and guidelines

Division 1 State disaster management plan

49 State plan for disaster management

- (1) The State group must prepare a plan (the *State disaster management plan*) for disaster management for the State.
- (2) The plan must include provision for the following—
 - (a) the group's strategic policy framework for disaster management for the State;
 - (b) the roles and responsibilities of entities involved in disaster operations and disaster management for the State;
 - (c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
 - (d) events that are likely to happen in the State;
 - (e) priorities for disaster management for the State;
 - (f) the matters stated in the disaster management guidelines as matters to be included in the plan;

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- (g) other matters about disaster management the group considers appropriate or that are prescribed under a regulation.
 - (3) The chairperson of the State group must give a copy of the plan to each district group and local group.

50 Requirements of plan

The State disaster management plan must be consistent with the disaster management standards and disaster management guidelines.

51 Reviewing and renewing plan

- (1) The State group may review, or renew, the State disaster management plan when the group considers it appropriate.
- (2) If the State group renews the State disaster management plan, the chairperson of the group must give a copy of the new plan to each district group and local group.

52 Plan to be available for inspection etc.

- (1) The chairperson of the State group must ensure a copy of the State disaster management plan is available for inspection, free of charge, by members of the public—
 - (a) at the department's head office; and
 - (b) on the department's website; and
 - (c) at other places the chairperson of the group considers appropriate.
- (2) The group must, on payment of the appropriate fee, give a person a copy of the plan.
- (3) In this section—

appropriate fee means the fee, decided by the chairperson of the State group, that is no more than the reasonable cost of providing the copy.

Division 2 Disaster management plans for disaster districts

53 Plan for disaster management in disaster district

- (1) A district group must prepare a plan (a *district disaster management plan*) for disaster management in the disaster district for the group.
- (2) The plan must include provision for the following—
 - (a) the State group's strategic policy framework for disaster management for the State;
 - (b) the roles and responsibilities of entities involved in disaster operations and disaster management in the district;
 - (c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
 - (d) events that are likely to happen in the district;
 - (e) priorities for disaster management for the district;
 - (f) the matters stated in the disaster management guidelines as matters to be included in the plan;
 - (g) other matters about disaster management in the disaster district the group considers appropriate.

54 Requirements of plan

A district disaster management plan must be consistent with the disaster management standards and disaster management guidelines.

55 Reviewing and renewing plan

- (1) A district group may review, or renew, its district disaster management plan when the group considers it appropriate.

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- (2) However, the group must review the effectiveness of the plan at least once a year.

56 Plan to be available for inspection etc.

- (1) A district group must ensure a copy of its district disaster management plan is available for inspection, free of charge, by members of the public—
- (a) on the website of the Queensland Police Service; and
 - (b) at other places the chairperson of the group considers appropriate.
- (2) The group must, on payment of the appropriate fee, give a person a copy of the plan.
- (3) In this section—

appropriate fee means the fee, decided by the chairperson of the district group, that is no more than the reasonable cost of providing the copy.

Division 3 Disaster management plans for local governments

Subdivision 1 Disaster management plans

57 Plan for disaster management in local government area

- (1) A local government must prepare a plan (a *local disaster management plan*) for disaster management in the local government's area.
- (2) The plan must include provision for the following—
- (a) the State group's strategic policy framework for disaster management for the State, and the local government's policies for disaster management;
 - (b) the roles and responsibilities of entities involved in disaster operations and disaster management in the area;

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- (c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
- (d) events that are likely to happen in the area;
- (e) strategies and priorities for disaster management for the area;
- (f) the matters stated in the disaster management guidelines as matters to be included in the plan;
- (g) other matters about disaster management in the area the local government considers appropriate.

58 Requirements of plan

A local disaster management plan must be consistent with the disaster management standards and disaster management guidelines.

59 Reviewing and renewing plan

- (1) A local government may review, or renew, its local disaster management plan when the local government considers it appropriate.
- (2) However, the local government must review the effectiveness of the plan at least once a year.

60 Plan to be available for inspection etc.

- (1) A local government must ensure a copy of its local disaster management plan is available for inspection, free of charge, by members of the public—
 - (a) at the local government's head office; and
 - (b) on the local government's website; and
 - (c) at other places the chief executive officer of the local government considers appropriate.

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- (2) The local government must, on payment of the appropriate fee, give a person a copy of the plan.
 - (3) In this section—
appropriate fee means the fee, decided by the chief executive officer of the local government, that is no more than the reasonable cost of providing the copy.

Subdivision 2 Application of subdivision 1 in particular circumstances

61 Local governments may combine

Despite section 57(1), 2 or more local governments (also the *combined local government*) may, with the approval of the Minister and the district group for the disaster district in which the local governments are situated, agree to unite for the purpose of preparing a local disaster management plan.

62 Application of sdiv 1

- (1) This section applies if 2 or more local governments agree as mentioned in section 61.
- (2) Subdivision 1 applies to the combined local government as if—
 - (a) a reference to a local government were a reference to a combined local government; and
 - (b) a reference to the local government's area were a reference to the area of the combined local government; and
 - (c) a reference to the local government's head office were a reference to the head office of each local government that is a part of the combined local government; and
 - (d) a reference to the chief executive officer of the local government were a reference to the chief executive

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officer of each local government that is a part of the combined local government.

Division 4 Guidelines

63 Guidelines about disaster management plans

- (1) The chief executive may prepare guidelines to inform the State group, district groups and local governments about matters relating to any of the following—
 - (a) the preparation of disaster management plans;
 - (b) the matters to be included in a disaster management plan;
 - (c) other matters about the operation of a district group or local group the chief executive considers appropriate having regard to disaster management for the State.
- (2) If the chief executive prepares a guideline under subsection (1), the chief executive must give a copy of the guideline to—
 - (a) if the guideline relates to the State group—the State group; or
 - (b) if the guideline relates to district groups—each district group; or
 - (c) if the guideline relates to local governments—each local government.
- (3) If the chief executive amends a guideline, the chief executive must give a copy of the amendment or the amended guideline to—
 - (a) if the guideline relates to the State group—the State group; or
 - (b) if the guideline relates to district groups—each district group; or
 - (c) if the guideline relates to local governments—each local government.

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- (4) The chief executive must keep a copy of each guideline, as in force from time to time, available for inspection, free of charge, by members of the public at—
 - (a) the department's head office; and
 - (b) other places the chief executive considers appropriate.
 - (5) The guideline may be made available in written or electronic form.

Part 4 Provisions for declarations of disaster situation

Division 1 Declarations

Subdivision 1 Declaration of disaster situation by district disaster coordinator

64 Declaration

- (1) A district disaster coordinator for a disaster district may, with the approval of the Minister, declare a disaster situation for the district, or a part of it, if satisfied—
 - (a) a disaster has happened, is happening or is likely to happen, in the disaster district; and
 - (b) it is necessary, or reasonably likely to be necessary, for the district disaster coordinator or a declared disaster officer to exercise declared disaster powers to prevent or minimise any of the following—
 - (i) loss of human life;
 - (ii) illness or injury to humans;
 - (iii) property loss or damage;

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- (iv) damage to the environment.
- (2) Before declaring the disaster situation, the district disaster coordinator must take reasonable steps to consult with—
 - (a) the district group for the disaster district; and
 - (b) each local government whose area is in, or partly in, the declared area for the disaster situation.
- (3) A failure to consult under subsection (2) does not affect the validity of the declaration.

65 Form and notice of declaration

- (1) A declaration of a disaster situation under section 64(1) must be in the approved form.
- (2) The approved form must include provision for the following—
 - (a) the time and date of the Minister’s approval;
 - (b) the time and date of the declaration;
 - (c) the declared area for the disaster situation.
- (3) As soon as practicable after the disaster situation is declared, the Minister must give notice of the declaration by gazette notice.
- (4) The gazette notice must include—
 - (a) the time and date of the declaration; and
 - (b) details of the declared area for the disaster situation.
- (5) Despite subsection (1), a declaration of a disaster situation can be made orally if the district disaster coordinator is satisfied it is necessary to exercise declared disaster powers under section 64(1)(b) before an approved form can be obtained and completed.
- (6) To remove any doubt, subsection (5) does not authorise an oral declaration if the district disaster coordinator is satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers under section 64(1)(b).

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- (7) If an oral declaration of a disaster situation is made under subsection (5), the declaration of the disaster situation must be recorded in the approved form under subsections (1) and (2) as soon as is reasonably practicable after the oral declaration is made.

66 Duration

The disaster situation—

- (a) starts when it is declared under section 64(1); and
- (b) unless either of the following happens, ends 14 days after the day it is declared—
 - (i) the Minister sooner ends the disaster situation under section 68(1);
 - (ii) a regulation under section 67 or a declaration under section 67A extends the period of the disaster situation beyond the end of the 14 days.

67 Extending disaster situation

- (1) A regulation may extend, or from time to time further extend, the period of the disaster situation.
- (2) A regulation made under this section commences on the day it is made whether or not it is notified on that day.
- (3) A regulation extending the period of the disaster situation—
 - (a) must state—
 - (i) the period, of not more than 14 days, by which the disaster situation is extended; and
 - (ii) if the disaster situation has previously been extended under this section or section 67A—the date of each previous extension; and
 - (b) expires at the end of the stated period unless it is sooner repealed or it expires under section 68(4).

[s 67A]

- (4) Subsection (2) applies despite the *Statutory Instruments Act 1992*, section 32.

67A Declaration extending disaster situation

- (1) This section applies for a disaster situation declared under section 64 if the Minister and the Premier are satisfied—
- (a) the disaster situation should be extended or further extended; and
 - (b) it is not practicable to make a regulation under section 67 before the day the disaster situation ends.
- (2) The Minister and the Premier may, by declaration, extend the period of the disaster situation.
- (3) The declaration must—
- (a) be in the approved form; and
 - (b) state—
 - (i) the time and date of the declaration; and
 - (ii) the period, of not more than 7 days, by which the disaster situation is extended.
- (4) As soon as practicable after the extension is declared, the Minister and Premier must give notice of the declaration by gazette notice.
- (5) The gazette notice must include the time and date of the declaration.
- (6) A declaration under this section—
- (a) may be made more than once for a particular disaster situation; but
 - (b) can not be made consecutively to extend and further extend the disaster situation.

68 Ending disaster situation

- (1) As soon as the Minister is satisfied it is no longer necessary for the district disaster coordinator or a declared disaster officer to exercise declared disaster powers for the disaster situation, the Minister must end the disaster situation.
- (2) If the Minister ends the disaster situation under subsection (1)—
 - (a) the Minister must—
 - (i) make a written record of the time and date the disaster situation ended; and
 - (ii) immediately inform the chairperson of the State group and the relevant district disaster coordinator of the ending of the disaster situation; and
 - (b) the district disaster coordinator must, immediately after being informed under paragraph (a)(ii), inform the declared disaster officers exercising declared disaster powers for the disaster situation of the ending of the disaster situation.
- (3) Also, the Minister must as soon as practicable give notice of the ending of the disaster situation, and when it ended, by gazette notice.
- (4) A regulation extending or further extending a disaster situation expires when the disaster situation ends under this section.

Subdivision 2 Declaration of disaster situation by Minister and Premier

69 Declaration

The Minister and the Premier may declare a disaster situation for the State, or a part of the State, if satisfied—

- (a) a disaster has happened, is happening or is likely to happen, in the State; and

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- (b) it is necessary, or reasonably likely to be necessary, for a district disaster coordinator or a declared disaster officer to exercise declared disaster powers to prevent or minimise any of the following—
 - (i) loss of human life;
 - (ii) illness or injury to humans;
 - (iii) property loss or damage;
 - (iv) damage to the environment.

70 Form and notice of declaration

- (1) A declaration of a disaster situation under section 69 must be in the approved form.
- (2) The approved form must include provision for—
 - (a) the time and date of the declaration; and
 - (b) the declared area for the disaster situation.
- (3) As soon as practicable after the disaster situation is declared, the Minister must give notice of the declaration by gazette notice.
- (4) The gazette notice must include—
 - (a) the time and date of the declaration; and
 - (b) details of the declared area for the disaster situation.
- (5) Despite subsection (1), a declaration of a disaster situation can be made orally if the Minister and the Premier are satisfied it is necessary to exercise declared disaster powers under section 69(b) before an approved form can be obtained and completed.
- (6) To remove any doubt, subsection (5) does not authorise an oral declaration if the Minister and the Premier are satisfied only that it is reasonably likely to be necessary to exercise declared disaster powers under section 69(b).
- (7) If an oral declaration of a disaster situation is made under subsection (5), the declaration of the disaster situation must be

recorded in the approved form under subsections (1) and (2) as soon as is reasonably practicable after the oral declaration is made.

71 Duration

The disaster situation—

- (a) starts when it is declared under section 69; and
- (b) unless either of the following happens, ends 14 days after the day it is declared—
 - (i) the Minister and the Premier sooner end the disaster situation under section 73(1);
 - (ii) a regulation under section 72 or a declaration under section 72A extends the period of the disaster situation beyond the end of the 14 days.

72 Extending disaster situation

- (1) A regulation may extend, or from time to time further extend, the period of the disaster situation.
- (2) A regulation made under this section commences on the day it is made whether or not it is notified on that day.
- (3) A regulation extending the period of the disaster situation—
 - (a) must state—
 - (i) the period, of not more than 14 days, by which the disaster situation is extended; and
 - (ii) if the disaster situation has previously been extended under this section or section 72A—the date of each previous extension; and
 - (b) expires at the end of the stated period unless it is sooner repealed or it expires under section 73(4).
- (4) Subsection (2) applies despite the *Statutory Instruments Act 1992*, section 32.

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72A Declaration extending disaster situation

- (1) This section applies for a disaster situation declared under section 69 if the Minister and the Premier are satisfied—
 - (a) the disaster situation should be extended or further extended; and
 - (b) it is not practicable to make a regulation under section 72 before the day the disaster situation ends.
- (2) The Minister and the Premier may, by declaration, extend the period of the disaster situation.
- (3) The declaration must—
 - (a) be in the approved form; and
 - (b) state—
 - (i) the time and date of the declaration; and
 - (ii) the period, of not more than 7 days, by which the disaster situation is extended.
- (4) As soon as practicable after the extension is declared, the Minister and Premier must give notice of the declaration by gazette notice.
- (5) The gazette notice must include the time and date of the declaration.
- (6) A declaration under this section—
 - (a) may be made more than once for a particular disaster situation; but
 - (b) can not be made consecutively to extend and further extend the disaster situation.

73 Ending disaster situation

- (1) As soon as the Minister and the Premier are satisfied it is no longer necessary for a district disaster coordinator or a declared disaster officer to exercise declared disaster powers for the disaster situation, the Minister and the Premier must end the disaster situation.

- (2) If the Minister and the Premier end the disaster situation under subsection (1)—
 - (a) the Minister must—
 - (i) make a written record of the time and date the disaster situation ended; and
 - (ii) immediately inform the chairperson of the State group of the ending of the disaster situation; and
 - (b) the chairperson of the State group must, immediately after being informed under paragraph (a)(ii), inform the relevant district disaster coordinators and the declared disaster officers exercising declared disaster powers for the disaster situation of the ending of the disaster situation.
- (3) Also, the Minister must as soon as practicable give notice of the ending of the disaster situation, and when it ended, by gazette notice.
- (4) A regulation extending or further extending a disaster situation expires when the disaster situation ends under this section.

Division 2 Authorising persons, and powers, for disaster situations

Subdivision 1 Preliminary

74 Application of div 2

This division applies if a disaster situation is declared.

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Subdivision 2 Authorising persons to exercise declared disaster powers

75 Authorisation for disaster situation

- (1) The chairperson of the State group, or a relevant district disaster coordinator for the disaster situation, may authorise any of the following persons to exercise declared disaster powers for the disaster situation—
 - (a) an ambulance officer;
 - (b) a fire officer;
 - (c) a health officer;
 - (d) a person who is a member of a class of persons the chairperson or relevant district disaster coordinator is satisfied has the necessary expertise or experience to exercise the powers.
- (2) Also, a police officer may exercise declared disaster powers for the disaster situation.
- (3) An authorisation under subsection (1)—
 - (a) may be general or limited to a particular, or a particular class of, ambulance officer, fire officer, health officer or other person; 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.

Note—

For a disaster situation, a police officer and a person authorised under subsection (1) to exercise declared disaster powers for the disaster situation are declared disaster officers for the disaster situation.

Subdivision 3 Powers of district disaster coordinators and declared disaster officers

76 General provision about powers

- (1) A relevant district disaster coordinator, or a declared disaster officer, for the disaster situation has the powers given under this subdivision.
- (2) However, a relevant district disaster coordinator or a declared disaster officer may exercise a power only—
 - (a) during the period of the disaster situation; and
 - (b) to do any of the following—
 - (i) ensure public safety or public order;
 - (ii) prevent or minimise loss of human life, or illness or injury to humans or animals;
 - (iii) prevent or minimise property loss or damage, or damage to the environment;
 - (iv) otherwise prepare for, respond to, or recover from, the disaster situation.
- (3) Also, a declared disaster officer may exercise a power only subject to the conditions, if any, on which the person is authorised.
- (4) In addition—
 - (a) if a declared disaster officer is a non-government ambulance officer, the officer is subject to the directions of a government ambulance officer; and
 - (b) if a declared disaster officer is a non-government fire officer, the officer is subject to the directions of a government fire officer; and
 - (c) if a declared disaster officer is a non-government health officer, the officer is subject to the directions of a government doctor.

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77 General powers

- (1) A relevant district disaster coordinator or a declared disaster officer may do all of the following—
 - (a) control the movement of persons, animals or vehicles within, into, out of or around the declared area for the disaster situation;
 - (b) give a direction to a person to regulate the movement of the person, an animal or a vehicle within, into, out of or around the declared area;
 - (c) evacuate persons or animals from the declared area or a part of the area;
 - (d) enter a place in the declared area;
 - (e) take into a place in the declared area the equipment, persons or materials the officer reasonably requires for exercising a power under this subdivision;
 - (f) contain an animal or substance within the declared area;
 - (g) remove or destroy an animal, vegetation or substance within the declared area;
 - (h) remove, dismantle, demolish or destroy a vehicle, or a building or other structure, in the declared area;
 - (i) use, close off or block a facility for drainage;
 - (j) shut off or disconnect a supply of fuel, gas, electricity or water, and take and use the fuel, gas, electricity or water;
 - (k) turn off, disconnect or shut down any motor or equipment;
 - (l) open a container or other thing, or dismantle equipment;
 - (m) excavate land or form tunnels;
 - (n) build earthworks or temporary structures, or erect barriers;
 - (o) close to traffic any road;
 - (p) maintain, restore, or prevent destruction of, essential services;

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- (q) require a person to give the relevant district disaster coordinator or declared disaster officer reasonable help to exercise the coordinator's or officer's powers under this subdivision.
- (2) However, a declared disaster officer may exercise a power under subsection (1)(h) in relation to a building or other structure only with the written approval of a relevant district disaster coordinator.
- (3) A relevant district disaster coordinator or a declared disaster officer may enter a place in the declared area without a warrant or the consent of the occupier of the place.
- (4) Also, a relevant district disaster coordinator or a declared disaster officer may exercise a power under this subdivision with the help, and using the force, that is reasonable in the circumstances.
- (5) When giving a direction or making a requirement mentioned in subsection (1)(b) or (q), a relevant district disaster coordinator or a declared disaster officer must warn the person it is an offence to fail to comply with the direction or requirement unless the person has a reasonable excuse.

Note—

For offences about failing to comply with a direction or requirement under section 77(1)(b) or (q), see sections 116 (Failure to comply with direction) and 117 (Failure to help particular persons).

- (6) In this section—

road means a road under the *Transport Operations (Road Use Management) Act 1995*.

78 Power to give direction about property

- (1) A relevant district disaster coordinator or a declared disaster officer may direct the owner of any property, by notice in the approved form given to the owner, to put the property under the control, or at the disposal, of a person stated in the notice.
- (2) However, if the property is residential premises or business premises, a declared disaster officer may give a person a

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direction under subsection (1) only with the written approval of a relevant district disaster coordinator.

- (3) When giving a direction under subsection (1), a relevant district disaster coordinator or a declared disaster officer must warn the person it is an offence to fail to comply with the direction unless the person has a reasonable excuse.

Note—

For the offence of failing to comply with a direction under section 78(1), see section 116 (Failure to comply with direction).

79 Requirements for direction about property

- (1) The approved form under section 78(1) must include provision for the following—
- (a) information about the nature of the disaster situation;
 - (b) identifying the property to which the direction relates;
 - (c) information about—
 - (i) the purpose for which the property is to be used; and
 - (ii) applying for compensation under this Act in relation to any loss or damage incurred because of the use of the property.
- (2) The approved form must state—
- (a) the provision of this Act under which the direction is given; and
 - (b) that the person to whom the direction is given must comply with the direction.

Part 5 Functions of local governments

80 Functions of local government

- (1) The functions of a local government under this Act are as follows—
 - (a) to ensure it has a disaster response capability;
 - (b) to approve its local disaster management plan prepared under part 3;
 - (c) to ensure information about an event or a disaster in its area is promptly given to the district disaster coordinator for the disaster district in which its area is situated;
 - (d) to perform other functions given to the local government under this Act.

- (2) In this section—

disaster response capability, for a local government, means the ability to provide equipment and a suitable number of persons, using the resources available to the local government, to effectively deal with, or help another entity to deal with, an emergency situation or a disaster in the local government's area.

Part 9 Authorising persons to exercise rescue powers in particular circumstances

Division 1 Authorising persons to exercise rescue powers

110 Authorising persons to exercise rescue powers

- (1) This section applies if the chairperson of the State group or a district disaster coordinator is satisfied on reasonable grounds it is necessary to act as mentioned in subsection (2) to ensure the following are carried out effectively—
 - (a) rescue or similar operations in an emergency situation;
 - (b) other operations in an emergency situation to—
 - (i) help injured persons; or
 - (ii) protect persons or property from danger or potential danger associated with the emergency situation.
- (2) The chairperson or district disaster coordinator may authorise a person to exercise rescue powers in relation to the emergency situation if satisfied the person has the necessary expertise or experience to exercise the rescue powers.
- (3) An authorisation under subsection (2)—
 - (a) may be given on conditions; and
 - (b) 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)(b) does not invalidate the authorisation or anything done under the authorisation.
- (5) A person authorised by the chairperson or district disaster coordinator under subsection (2) may exercise the rescue powers only—

[s 112]

- (3) If it is reasonable in the circumstances, the person may do all of the following having regard to the purpose of the entry—
- (a) search any part of the place;
 - (b) open, using reasonable force, a container or other thing at the place;
 - (c) remove any thing from the place;
 - (d) destroy or damage premises, a vehicle, container or other thing;
 - (e) take into or onto the place the equipment, persons or materials the person reasonably requires to exercise a power under this section;
 - (f) direct another person to leave, or not to enter, an area in or near the place if the person considers the direction is necessary to protect a person's life or health;
 - (g) require someone at or near the place, to give the person reasonable help to exercise the person's powers under paragraphs (a) to (e).
- (4) When giving a direction or making a requirement mentioned in subsection (3)(f) or (g), the person must warn the other person it is an offence to fail to comply with the direction or requirement unless the other person has a reasonable excuse.

Note—

For offences about failing to comply with a direction or requirement under section 112(3)(f) or (g), see sections 116 (Failure to comply with direction) and 117 (Failure to help particular persons).

Part 10 Offence provisions

Division 1 Preliminary

113 Definition for pt 10

In this part—

authorised person means any of the following—

- (a) a district disaster coordinator;
- (b) a declared disaster officer;
- (c) a person authorised under section 110(2).

Division 2 Offences

114 Impersonation of authorised person

A person must not pretend to be an authorised person.

Maximum penalty—100 penalty units.

115 Obstruction of authorised person

- (1) A person must not obstruct an authorised person in the exercise of a power unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

- (2) If a person has obstructed an authorised person and the authorised person decides to proceed with the exercise of the power, the authorised person must warn the person that—

- (a) it is an offence to obstruct the authorised person unless the person has a reasonable excuse; and
- (b) the authorised person considers the person's conduct an obstruction.

- (3) In this section—

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obstruct includes assault, hinder, resist and attempt or threaten to obstruct.

116 Failure to comply with direction

A person given a direction under any of the following provisions must comply with the direction unless the person has a reasonable excuse—

- (a) section 77(1)(b);
- (b) section 78(1);
- (c) section 112(3)(f).

Maximum penalty—100 penalty units.

117 Failure to help particular persons

A person required to give reasonable help under either of the following provisions must comply with the requirement unless the person has a reasonable excuse—

- (a) section 77(1)(q);
- (b) section 112(3)(g).

Maximum penalty—100 penalty units.

Part 11 Provisions about compensation and policies of insurance

Division 1 Compensation

Subdivision 1 Preliminary

119 Entitlement to compensation

Subject to this division, a person who suffers loss or damage because of the exercise, or purported exercise, of a power under section 77, 78, 111 or 112 is entitled to be paid just and reasonable compensation for the loss or damage.

120 When compensation is not payable

- (1) Compensation is not payable to the person for loss or damage to the extent that—
 - (a) an amount for the loss or damage is recovered or recoverable by the person under a policy of insurance;
or
 - (b) the conduct of the person contributed to the loss or damage.
- (2) Also, compensation is not payable to the person for loss or damage if the loss or damage would have happened in any event irrespective of the exercise, or purported exercise, of the power.

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Subdivision 2 Application and decision about compensation

121 Applying for compensation

- (1) A person who suffers loss or damage because of the exercise, or purported exercise, of a power under section 77, 78, 111 or 112 may apply to the chief executive for compensation for the loss or damage.
- (2) The application must be made in writing within 90 days after the person suffers the loss or damage.
- (3) The application must state—
 - (a) details of the person’s loss or damage; and
 - (b) the amount of compensation claimed and the grounds for the amount claimed.
- (4) The applicant also must provide any other relevant information reasonably required by the chief executive to decide the application.
- (5) Despite subsection (2), the chief executive may accept a person’s application for compensation made more than 90 days after the person suffers the loss or damage if the chief executive is satisfied it would be reasonable in all the circumstances to accept the application.

122 Lapsing of application

- (1) If an application for compensation is made under this division, the chief executive may make a requirement under section 121(4) for information to decide the application by giving the applicant a notice stating—
 - (a) the required information; and
 - (b) the time by which the information must be given to the chief executive; and
 - (c) that, if the information is not given to the chief executive by the stated time, the application will lapse.

- (2) The stated time must be reasonable and, in any case, at least 21 days after the requirement is made.
- (3) The chief executive may give the applicant a further notice extending or further extending the time if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.
- (4) A notice may be given under subsection (3) even if the time to which it relates has lapsed.
- (5) If the applicant does not comply with the requirement within the stated time, or any extension, the application lapses.

123 Deciding application

- (1) The chief executive must consider and decide an accepted application within 60 days after the last of the following to happen—
 - (a) the chief executive receives the application;
 - (b) the chief executive receives all necessary information to decide the application.
- (2) If the chief executive has not decided an accepted application within the period stated in subsection (1) for the application, the chief executive is taken to have refused to pay compensation.
- (3) In this section—

accepted application means an application made under section 121(2) or an application the chief executive accepts under section 121(5).

124 Notice about decision

As soon as practicable after deciding the application, the chief executive must give the applicant a written notice stating all of the following—

- (a) the decision and the reasons for it;
- (b) if the chief executive decides to pay compensation—

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- (i) details of the amount and how the amount was assessed; and
- (ii) if the amount is less than the amount claimed—the matters mentioned in the QCAT Act, section 157(2)(c) to (e);
- (c) if the chief executive decides not to pay compensation—the matters mentioned in the QCAT Act, section 157(2)(c) to (e).

Subdivision 3 Review of decision

125 Review of a decision to pay compensation

An applicant for the payment of compensation under this division who is dissatisfied with the chief executive's decision to refuse to pay compensation or about the amount of compensation may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

Division 2 Policies of insurance

130 Extension of policy of insurance

- (1) This section applies to a policy of insurance for damage to property if—
 - (a) damage is caused to the property because of the exercise of a power, or performance of a function, under this Act by a person, honestly and without negligence, in relation to a disaster or an emergency situation; and
 - (b) the exercise of the power, or performance of the function, happens for the purpose of protecting—
 - (i) the property from damage; or
 - (ii) a person or an animal from death or injury.

- (2) For the purposes of the policy of insurance, the damage is, by the operation of this section, taken to be damage caused by the happening of the event for which the policy provides insurance cover.
- (3) A term of a policy of insurance that purports to vary or exclude the operation of subsection (2) is void.

Part 12 Legal proceedings

Division 1 Evidence

131 Application of div 1

This division applies to a proceeding under this Act.

132 Appointments and authority

The following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of—
 - (i) the chairperson of the State group; or
 - (ii) the chairperson of the district group; or
 - (iii) the deputy chairperson of the State group; or
 - (iv) a State disaster coordinator;
- (b) the authorisation, under section 75(1), of a person to exercise declared disaster powers;
- (c) the authorisation, under section 110(2), of a person to exercise rescue powers;
- (d) the authority of a person mentioned in paragraph (a), (b) or (c) to do anything under this Act.

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133 Signatures

A signature purporting to be the signature of the chief executive, the chairperson of the State group, the chairperson of the district group, a district disaster coordinator or a declared disaster officer is evidence of the signature it purports to be.

134 Other evidentiary aids

A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

- (a) a stated document is a thing as follows given, issued, kept or made under this Act—
 - (i) an appointment, authorisation, approval or decision;
 - (ii) a direction, notice or requirement;
- (b) a stated document is a copy of a document mentioned in paragraph (a);
- (c) on a stated day and at a stated time a disaster situation started;
- (d) on a stated day and at a stated time a disaster situation ended;
- (e) on a stated day, or during a stated period, either of the following was, or was not, in force for a stated person—
 - (i) an authorisation for the person to exercise declared disaster powers;
 - (ii) an authorisation for the person to exercise rescue powers;
- (f) on a stated day, a stated person was given a stated notice or direction under this Act;
- (g) on a stated day a stated requirement was made of a stated person.

Division 2 Offence proceedings

135 Summary proceedings for offence

- (1) A proceeding for an offence against this Act must be taken in a summary way under the *Justices Act 1886*.
- (2) The proceeding must start within the later of the following periods to end—
 - (a) 1 year after the commission of the offence;
 - (b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

136 Statement of complainant's knowledge

In a complaint starting a proceeding for an offence against this Act, a statement that the matter of the complaint came to the complainant's knowledge on a stated day is evidence the matter came to the complainant's knowledge on that day.

Part 13 Miscellaneous

139 Confidentiality

- (1) A person must not disclose, use or make a record of information the person has acquired—
 - (a) in performing a function, or exercising a power, under this Act; or
 - (b) because of an opportunity provided by the performance of the person's function, or exercise of the person's power, under this Act.

Maximum penalty—40 penalty units.

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- (2) Subsection (1) does not apply if the information is disclosed or used, or a record of the information is made—
 - (a) under this Act; or
 - (b) as permitted or required under another Act; or
 - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

142 Chief executive to insure particular persons

- (1) The chief executive must enter into a contract of insurance with WorkCover or another entity to insure persons required to give reasonable help under section 77(1)(q) or 112(3)(g).
- (2) The contract of insurance must cover the persons mentioned in subsection (1) while they are giving the reasonable help.
- (3) In this section—

WorkCover means WorkCover Queensland established under the *Workers' Compensation and Rehabilitation Act 2003*.

143 Delegations

- (1) The Minister may delegate the Minister's powers under this Act, other than a power under section 45(1), 64(1), 68(1), 69 or 73(1), to the chief executive or an appropriately qualified person.
- (2) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified person.
- (3) The chairperson of the State group may delegate the chairperson's powers under this Act, other than a power under section 9, to an appropriately qualified other member of the group.
- (4) The chairperson of the State group may delegate the chairperson's powers under section 9 to the commissioner of the police service.

Note—

Under section 9, the chairperson of the State group may give directions about the circumstances in which a person may exercise powers under another Act.

- (5) The State disaster coordinator may delegate the coordinator's functions under section 21C to an appropriately qualified person.
- (6) The State recovery coordinator may delegate the coordinator's functions under section 21E to an appropriately qualified person.
- (7) The district disaster coordinator of a district group may delegate the district disaster coordinator's functions under this Act to an appropriately qualified officer of the Queensland Police Service.
- (8) The local disaster coordinator may delegate the coordinator's functions under section 36 to an appropriately qualified person.
- (9) In this section—
functions includes powers.

144 Protection from liability

- (1) Other than as provided for under part 11, civil liability does not attach to the State, a Minister, a local government or an official because of anything done or omitted to be done under this Act in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise, if this section did not apply.
- (2) This section does not stop a person further limiting the person's liability for an act or omission by relying on a provision of the *Civil Liability Act 2003*.
- (3) In this section—
official means all of the following—

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- (a) a member of the State group, a district group or a local group;
- (b) a declared disaster officer;
- (c) a person authorised under this Act to exercise rescue powers;
- (d) a person required to give reasonable help under section 77(1)(q) or 112(3)(g).

145 Appointments

Subject to section 16M, an appointment provided for by this Act is to be made under this Act and not under the *Public Service Act 2008*.

146 Arrangements for identification

The chief executive may make arrangements in relation to the identification of persons exercising powers under section 77, 78, 111 or 112.

147 Approval of forms

The chief executive may approve forms for use under this Act.

148 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be about—
 - (a) dividing the State into disaster districts for the purpose of disaster management; or
 - (b) imposing a penalty of no more than 20 penalty units for contravention of a regulation.
- (3) A regulation under subsection (2)(a) must—

- (a) name the disaster districts; and
- (b) identify the area of the disaster districts.

Part 14 Repeal and transitional provisions

Division 1 Repeal

149 Repeal of State Counter-Disaster Organisation Act 1975

The State Counter-Disaster Organisation Act 1975 No. 40 is repealed.

Division 2 Transitional provisions for Act No. 91 of 2003

Subdivision 1 Preliminary

150 Definitions for div 2

In this division—

central control group means the central control group established under the repealed Act, section 12(1).

commencement means the day this section commences.

disaster district coordinator means a disaster district coordinator appointed under the repealed Act.

former control group means a disaster district control group established under the repealed Act, section 21(1).

former SES means the State Emergency Service established under the repealed Act, section 13(1).

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Subdivision 2 Transitional references

151 References to repealed Act

A reference in an Act or other document to the repealed Act may, if the context permits, be taken as a reference to this Act.

152 References to former SES

A reference in an Act or other document to the former SES may, if the context permits, be taken as a reference to the SES.

Subdivision 3 Other transitional provisions

153 Members of central control group

- (1) This section applies to a person, other than the chief executive, who was a member of the central control group immediately before the commencement.
- (2) On the commencement, the person is taken to be appointed as a member of the State group under section 19(2).

154 Chairperson of central control group

- (1) This section applies to the person who, immediately before the commencement, was the chairperson of the central control group.
- (2) On the commencement, the person is taken to be appointed as the chairperson of the State group under section 20(1)(a).

155 Executive officer of central control group

- (1) This section applies to the person who, immediately before the commencement, was the executive officer of the central control group.

-
- (2) On the commencement, the person is taken to be the executive officer of the State group.

156 Members of former SES

- (1) This section applies to a person who, immediately before the commencement, was a member of the former SES.
- (2) On the commencement, the person is taken to be appointed under section 84 as an SES member.

157 Authorised officers under the repealed Act

- (1) This section applies to a person who, immediately before the commencement, was an authorised officer under the repealed Act.
- (2) On the commencement, the person is taken to be appointed under section 100 as an authorised rescue officer.

158 Former disaster districts

- (1) Subsection (2) applies only until a regulation under this Act first provides for disaster districts.
- (2) On the commencement, a former disaster district is taken to be a disaster district under this Act.
- (3) In this section—

former disaster district means a disaster district constituted under the repealed Act, section 20(1), by gazette notice in force immediately before the commencement.

159 Disaster district coordinators

- (1) This section applies to a person who, immediately before the commencement, was the disaster district coordinator for a former control group.
- (2) On the commencement, the person is taken to be appointed, under section 25(1)(a), as the district disaster coordinator of

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the district group that is established for the disaster district in relation to which the person was the disaster district coordinator.

160 Other members of former control groups

- (1) This section applies to a person, other than a disaster district coordinator, who was a member of a former control group immediately before the commencement.
- (2) On the commencement, the person is taken to be appointed, under section 24, as a member of the district group that is established for the disaster district in relation to which the person was a member of the former control group.

161 Particular local governments under the repealed Act

- (1) This section applies to a local government that, immediately before the commencement, was united with another local government, under the repealed Act, section 26(2), for the purpose of arranging and carrying out counter disaster measures.
- (2) On the commencement, the local governments are taken to be a combined local government under parts 2 and 3 of this Act.

162 Provision about declaration under the repealed Act

- (1) This section applies if a declaration, under the repealed Act, section 23 or 24, that a state of disaster exists is in force immediately before the commencement.
- (2) Despite the repeal of the repealed Act—
 - (a) the declaration continues in force; and
 - (b) the repealed Act continues to apply as if this Act had not commenced.
- (3) The declaration continues in force, and the repealed Act continues to apply, until the declaration is revoked by a regulation under this Act or otherwise ends under the repealed Act.

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- (4) For subsection (2), the *Acts Interpretation Act 1954*, section 20 applies, but does not limit the subsection.

163 Compensation for exercise of powers under the repealed Act

- (1) This section applies if—
- (a) a declaration under the repealed Act, section 23 or 24, is continued in force under section 162; and
 - (b) a person suffers loss or damage to the person's property because of the exercise, or purported exercise, of a power under the repealed Act, section 25(2)(a)(i) or (b)(iii) in relation to the declaration.
- (2) Despite the repealed Act, section 25(4) and (5), the person may apply for compensation for the loss or damage under section 121 of this Act.
- (3) Part 11, division 1, applies to the application as if it were an application for loss or damage because of the exercise, or purported exercise, of a power under section 77(1)(h) or 78(1).
- (4) The repealed Act, section 25(4) and (5), does not apply in relation to an application for compensation for the loss or damage.

164 Application for compensation under the repealed Act

- (1) This section applies if, immediately before the commencement—
- (a) a person is entitled to apply for compensation under the repealed Act, section 25(4), for loss or damage to the person's property; and
 - (b) section 163 of this Act does not apply to the loss or damage.
- (2) The person may apply for compensation under the repealed Act as if this Act had not commenced.

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165 Local controllers under the repealed Act

- (1) This section applies to a person who, immediately before the commencement, was the local controller, under the repealed Act, section 26(5), of a local emergency service under that Act.
- (2) On the commencement, the person is taken to be appointed under section 85(1) as the local controller of the SES unit for—
 - (a) the area of the local government for which the local emergency service was established under the repealed Act; or
 - (b) if the local emergency service was established under the repealed Act, section 26(3)—the area of each local government in the combined areas for which the service was established under that Act.

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

166 Definitions for sdiv 4

In this subdivision—

commencement means the commencement of this section.

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

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

167 Continuance of particular member of State group

- (1) This section applies to a person who, immediately before the commencement, held an appointment as a member of the State group under repealed section 19(1)(c).

- (2) From the commencement, the person continues as a member of the group, until the appointment ends under this Act, as if the person had been appointed under new section 19(1)(d).

168 Deputy chairperson of State group

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

169 Executive officer of State group

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

170 District disaster coordinator and chairperson of district group

- (1) This section applies to a person who, immediately before the commencement, held an appointment as the district disaster coordinator and chairperson of a district group under repealed section 25.
- (2) From the commencement, the person continues as district disaster coordinator and chairperson of the district group, as if

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the person had been appointed as chairperson under new section 25(1)(a), until—

- (a) the person's appointment as a member of the group ends under this Act; or
- (b) the person's appointment as chairperson ends under section 25.

171 Deputy chairperson of district group

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

172 Executive officer of district group

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

173 SES units

- (1) This section applies to a group of SES members who, immediately before the commencement, were an SES unit for a local government area.
- (2) From the commencement, the group continues as an SES unit for the local government area, as if established under new section 84A, until the unit's establishment ends under that section.

Schedule Dictionary

section 11

ambulance officer means—

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

area, of a combined local government, means the areas of the local governments that are a part of the combined local government.

area, of a local group, means—

- (a) if the local group is established by a local government—the area of the local government; or
- (b) if the local group is established by a combined local government—the area of the combined local government.

authorised person, for part 10, see section 113.

central control group, for part 14, division 2, see section 150.

chairperson means—

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

combined local government—

- (a) for part 2—see section 31; and
- (b) for part 3—see section 61.

commencement, for part 14, division 2, see section 150.

declared area means—

- (a) for a disaster situation declared under section 64(1)—the disaster district, or the part of the disaster district, for which the disaster situation is declared; or
- (b) for a disaster situation declared under section 69—the State or, if the disaster situation is declared for a part of the State, the part.

declared disaster officer, for a disaster situation, means—

- (a) a police officer; or
- (b) a person authorised under section 75(1) to exercise declared disaster powers for the disaster situation.

declared disaster powers means the powers of a district disaster coordinator or a declared disaster officer under sections 77 and 78.

disaster see section 13.

disaster district means a part of the State prescribed under a regulation as a disaster district.

disaster district coordinator, for part 14, division 2, see section 150.

disaster management see section 14.

disaster management group means the State group, a district group or a local group.

disaster management guidelines means the guidelines prepared by the chief executive under section 63(1).

disaster management plan means a plan prepared under part 3.

disaster management standard see section 16N.

disaster operations see section 15.

disaster situation means a disaster situation declared under section 64(1) or 69.

district disaster coordinator means a person appointed as a district disaster coordinator under section 25A.

district disaster management plan see section 53(1).

district group see section 22.

event see section 16.

executive officer—

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

(b) for part 2, division 2—see section 28.

fire officer means—

(a) a government fire officer; or

(b) a non-government fire officer.

fire prevention includes taking measures in readiness for fire to reduce potential danger to persons, property or the environment.

former control group, for part 14, division 2, see section 150.

former SES, for part 14, division 2, see section 150.

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

government doctor means a person who is—

(a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and

(b) employed in the following—

(i) the department which administers the *Public Health Act 2005*;

(ii) a Hospital and Health Service.

government fire officer means a fire officer under the *Fire and Emergency Services Act 1990*.

government health officer means—

(a) a government doctor; or

(b) a government nurse.

government nurse means a person who is—

-
- (a) registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession, other than as a student; and
 - (ii) in the registered nurses division of that profession; and
 - (b) employed in the following—
 - (i) the department which administers the *Public Health Act 2005*;
 - (ii) a Hospital and Health Service.

health officer means—

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

health service chief executive see the *Hospital and Health Boards Act 2011*, schedule 2.

Hospital and Health Service means a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*, section 17.

inspector-general means the Inspector-General of Emergency Management appointed under section 16E.

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

local disaster management plan see section 57(1).

local group see section 29.

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 person—

- (a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and

(b) who is not a government doctor.

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 Emergency Service.

non-government health officer means—

(a) a non-government doctor; or

(b) a non-government nurse.

non-government nurse means a person—

(a) registered under the Health Practitioner Regulation National Law—

(i) to practise in the nursing and midwifery profession, other than as a student; and

(ii) in the registered nurses division of that profession; and

(b) who is not a government nurse.

office means the Office of the Inspector-General of Emergency Management established under section 16B.

period, of a disaster situation, means the period the declaration of the disaster situation is in force under this Act.

place includes—

(a) land or premises; and

(b) a vehicle.

premises includes a building or structure, or part of a building or structure, of any type.

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

(a) providing relief measures to assist persons affected by the disaster who do not have the resources to provide for their own financial and economic wellbeing;

(b) restoring essential infrastructure in the area or areas affected by the disaster;

- (c) restoring the environment in areas affected by the disaster;
- (d) providing health care to persons affected by the disaster, including temporary hospital accommodation, emergency medical supplies and counselling services.

relevant district disaster coordinator means—

- (a) for a disaster situation declared under section 64(1) for a disaster district or part of a district—the district disaster coordinator for the district; or
- (b) for a disaster situation declared under section 69—a district disaster coordinator for a disaster district that is in, or partly in, the declared area for the disaster situation.

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

relevant local government, for a local group, means the local government or combined local government that establishes the group under section 29.

Note—

A combined local government may establish a local group under section 29 as applied by section 32(2).

repealed Act means the *State Counter-Disaster Organisation Act 1975*.

rescue powers means the powers under sections 111 and 112.

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

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

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

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

State disaster management plan see section 49(1).

State group see section 17.

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

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

vehicle means anything used for carrying anything or any person by land, water or air.

Endnotes

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2 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 version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	31 March 2004	
1A	2004 Act No. 53	29 November 2004	
1B	—	1 April 2005	prov exp 31 March 2005
1C	2007 Act No. 34	1 March 2008	R1C withdrawn, see R2
2	—	1 March 2008	
2A	2009 Act No. 25	2 November 2009	
2B	2009 Act No. 24	1 December 2009	
2C	2009 Act No. 17	1 July 2010	
	2010 Act No. 14		
2D	2010 Act No. 40	1 November 2010	
2E	2011 Act No. 1	21 February 2011	R2E withdrawn see R3
3	—	21 February 2011	
3A	2011 Act No. 33	28 October 2011	
3B	2011 Act No. 32 (amd 2012 Act No. 9)	1 July 2012	
3C	2012 Act No. 25	12 November 2012	
3D	2012 Act No. 43	11 December 2012	

Current as at	Amendments included	Notes
23 September 2013	2013 Act No. 39	
21 May 2014	2014 Act No. 17	RA s 27

4 List of legislation

Disaster Management Act 2003 No. 91

date of assent 18 November 2003

ss 1–2 commenced on date of assent

pt 15 div 1 commenced 12 December 2003 (2003 SL No. 341)

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

amending legislation—

Statute Law (Miscellaneous Provisions) Act 2004 No. 53

date of assent 29 November 2004

commenced on date of assent

Terrorism Legislation Amendment Act 2007 No. 34 pts 1–2

date of assent 29 August 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2008 (2008 SL No. 34)

Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 3 pt 3

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010 No. 14 pt 1, s 124 sch

date of assent 21 April 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (see s 2)

Disaster Management and Other Legislation Amendment Act 2010 No. 40 pts 1–2, s 3 sch

date of assent 14 October 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 2010 (2010 SL No. 299)

Queensland Reconstruction Authority Act 2011 No. 1 s 1, pt 12 div 3

date of assent 21 February 2011

commenced on date of assent

Hospital and Health Boards Act 2011 No. 32 ss 1–2, 332 sch 1 pt 2 (prev Health and Hospitals Network Act 2011) (this Act is amended, see amending legislation below)

date of assent 28 October 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2012 (2012 SL No. 61 item 3) (previous proclamation 2012 SL No. 23 item 3 was rep (2012 SL No. 61))

amending legislation—

Health and Hospitals Network and Other Legislation Amendment Act 2012 No. 9 ss 1–2(1), 47 (amends 2011 No. 32 above)

date of assent 27 June 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2012 (see s 2(1))

Disaster Readiness Amendment Act 2011 No. 33 pts 1–2

date of assent 28 October 2011

commenced on date of assent

Fiscal Repair Amendment Act 2012 No. 25 ss 1, 2(6)(b), 195 sch

date of assent 21 September 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 12 November 2012 (2012 SL No. 192)

Economic Development Act 2012 No. 43 ss 1–2(a), (d)(i), ch 8 pt 1, s 325 sch 2

date of assent 11 December 2012

commenced on date of assent

Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 ss 1, 110 sch 3 pt 3

date of assent 23 September 2013

commenced on date of assent

Biosecurity Act 2014 No. 7 ss 1–2, 578, sch 4 pt 2

date of assent 13 March 2014

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2(1)–(2))

Public Safety Business Agency Act 2014 No. 17 s 1, pt 5

date of assent 21 May 2014

commenced on date of assent

5 List of annotations

PART 1—PRELIMINARY

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s 8 amd 2014 No. 17 s 28

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Functions of chief executive

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s 23 amd 2011 No. 33 s 4

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s 24 amd 2010 No. 40 ss 11, 3 sch; 2011 No. 32 s 332 sch 1 pt 2 (amd 2012 No. 9 s 47)

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s 67A ins 2011 No. 33 s 11

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s 70 amd 2010 No. 40 s 30

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- def **government nurse** sub 2010 No. 14 s 124 sch
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- def **health service chief executive** ins 2011 No. 32 s 332 sch 1 pt 2 (amd 2012
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- def **inspector-general** ins 2014 No. 17 s 53(2)
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- def **local disaster coordinator** ins 2010 No. 40 s 42(2)
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- def **recovering from a disaster** ins 2010 No. 40 s 42(2)
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