



# **Public Safety Preservation Act 1986**

**Current as at 1 July 2016**





Queensland

# Public Safety Preservation Act 1986

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
3	Crown bound . . . . .	5
3A	Extraterritorial application of Act . . . . .	5
4	Definitions . . . . .	6
4A	Relationship with another declaration under another Act . . . . .	6
<b>Part 2</b>	<b>Emergency situation</b>	
5	Declaration of emergency situation . . . . .	7
6	Effect of declaration under Disaster Management Act 2003 . . . . .	8
7	Power to delegate . . . . .	8
8	Powers of emergency commander . . . . .	9
<b>Part 2A</b>	<b>Terrorist emergency</b>	
<b>Division 1</b>	<b>Declaring, extending and ending terrorist emergencies</b>	
<b>Subdivision 1</b>	<b>Appointments</b>	
8A	Appointment of terrorist emergency commander and terrorist emergency forward commander . . . . .	10
8B	Commissioner's or deputy commissioner's power to delegate . . . . .	11
8C	Function of terrorist emergency commander . . . . .	11
8D	Terrorist emergency commander's power to delegate . . . . .	12
8E	Function of terrorist emergency forward commander . . . . .	12
8F	Terrorist emergency forward commander's power to delegate . . . . .	13
<b>Subdivision 2</b>	<b>Declaration</b>	
8G	Terrorist emergency may be declared . . . . .	14
8H	Extension of terrorist emergency beyond 7 days to a maximum of 14 days . . . . .	15
8I	Relevant person must end terrorist emergency in particular circumstances . . . . .	15
8J	Dealing with the terrorist emergency certificate at the end of the	

Contents

---

	emergency . . . . .	16
<b>Division 2</b>	<b>Exercise of powers</b>	
<b>Subdivision 1</b>	<b>Terrorist emergency officer powers</b>	
8K	Definition for sdiv 1 . . . . .	16
8L	Grounds for exercise of power . . . . .	17
8M	Power to control movement of persons . . . . .	17
8N	Power to search a person without a warrant . . . . .	18
8O	Power to require name and address . . . . .	18
<b>Subdivision 2</b>	<b>Other powers</b>	
8Q	Power to direct officers of government agencies . . . . .	19
<b>Division 3</b>	<b>Other provisions</b>	
8R	Report to Minister . . . . .	20
8S	Tabling of report in Legislative Assembly . . . . .	21
8T	Review . . . . .	21
<b>Part 3</b>	<b>Chemical, biological and radiological emergencies</b>	
<b>Division 1</b>	<b>Preliminary</b>	
9	Parliament's intention . . . . .	22
11	CBR emergency powers and powers under other Acts . . . . .	22
<b>Division 2</b>	<b>Declaring, extending and ending CBR emergencies</b>	
12	CBR emergency may be declared . . . . .	23
13	Extension of CBR emergency up to 7 days . . . . .	24
14	Extension of CBR emergency beyond 7 days . . . . .	25
15	Ending CBR emergency . . . . .	26
<b>Division 3</b>	<b>CBRE commander's coordination responsibility and general powers</b>	
<b>Subdivision 1</b>	<b>CBRE commander</b>	
16	Meaning of CBRE commander . . . . .	27
17	Coordination responsibility . . . . .	27
18	Powers of CBRE commander . . . . .	28
19	Power to authorise exercise of particular powers . . . . .	28
<b>Subdivision 2</b>	<b>Powers available to emergency responders</b>	
20	CBRE ambulance officers . . . . .	30
21	CBRE fire officers . . . . .	30
22	CBRE health officers . . . . .	31
23	CBRE police officers . . . . .	31
24	CBRE veterinary officers . . . . .	32

<b>Division 4</b>	<b>Exercise of powers</b>	
25	Power to seize property . . . . .	32
26	Power to destroy seized property . . . . .	33
27	Power to require name and address . . . . .	33
28	Power to decontaminate . . . . .	35
29	Power to medically examine and treat . . . . .	35
30	Refusal of medical treatment . . . . .	36
31	Power to give particular directions . . . . .	37
<b>Division 5</b>	<b>Provisions about detention</b>	
<b>Subdivision 1</b>	<b>Detention powers</b>	
32	Power to detain . . . . .	37
<b>Subdivision 2</b>	<b>Exercise of detention power after first 48 hours</b>	
33	Continued exercise of detention power after 48 hours . . . . .	38
34	Application for approval to continue exercising detention power . . . . .	38
35	Consideration of application . . . . .	39
36	Appeal . . . . .	40
<b>Subdivision 3</b>	<b>Other provisions about detention</b>	
37	Application of sdiv 3 . . . . .	40
38	CBRE commander's obligations in relation to relevant person . . . . .	40
39	Application to Supreme Court judge for order ending person's detention . . . . .	41
40	Appeal . . . . .	42
<b>Division 6</b>	<b>Other provisions</b>	
41	Record of seized property to be kept . . . . .	43
42	Return etc. of seized property . . . . .	44
43	Reports . . . . .	44
<b>Part 3A</b>	<b>Relationship between emergencies</b>	
43A	Emergency situation . . . . .	45
43B	Terrorist emergency . . . . .	46
43C	CBR emergency . . . . .	46
43D	Multiple appointments . . . . .	46
<b>Part 4</b>	<b>General provisions</b>	
44	Protection of employment rights . . . . .	47
45	Compensation for personal injury . . . . .	48
46	Compensation for use of, damage to or destruction of property . . . . .	48
47	Protection from liability . . . . .	49

Contents

---

48	Evidentiary provisions . . . . .	49
49	Application of Police Powers and Responsibilities Act 2000 to a direction given by a police officer under this Act . . . . .	51
50	Powers unaffected by failure to comply with formal provision . . .	51
<b>Schedule</b>	<b>Dictionary</b> . . . . .	<b>52</b>

---

# Public Safety Preservation Act 1986

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

## Part 1 Preliminary

### 1 Short title

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

### 3 Crown bound

This Act binds the Crown.

### 3A Extraterritorial application of Act

- (1) This Act applies both within and outside Queensland.
- (2) This Act applies outside Queensland to the full extent of the extraterritorial legislative power of the Parliament.
- (3) A commissioned officer may make a declaration under section 5 that an emergency situation exists, in respect of an area within or outside Queensland, if the officer is satisfied on reasonable grounds that an emergency situation has arisen or is likely to arise in Queensland.
- (4) The commissioner or deputy commissioner may, under section 8A—

- (a) appoint a police officer to be a terrorist emergency commander if the commissioner or deputy commissioner is satisfied on reasonable grounds that—
    - (i) an emergency situation has arisen or is likely to arise in Queensland; and
    - (ii) the emergency situation results from or may result from, or may lead to, 1 or more terrorist acts at 1 or more terrorist emergency sites within or outside Queensland; or
  - (b) appoint a terrorist emergency forward commander for a terrorist emergency site within or outside Queensland.
- (5) A power relating to an emergency situation, terrorist emergency or CBR emergency may be exercised in relation to an entity, place or thing within or outside Queensland.
- (6) A declaration under section 8G of an area surrounding a moving activity—
- (a) may be made even if the area is outside Queensland at the time of the declaration; and
  - (b) is not affected if the area moves outside Queensland while the declaration is in effect.
- (7) Subsections (3) to (6) do not limit subsection (2).

## **4 Definitions**

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

### **4A Relationship with another declaration under another Act**

- (1) This Act does not prevent a person from declaring a state of disaster or another emergency under another Act.
- (2) The existence of another declaration under another Act does not prevent the making of a declaration, or the exercise of powers, under this Act.



---

*Example of another Act under which a declaration may be made—  
Disaster Management Act 2003*

## Part 2                      Emergency situation

### 5                      Declaration of emergency situation

- (1) Subject to section 6, if at any time a commissioned officer (the ***emergency commander***) is satisfied on reasonable grounds that an emergency situation has arisen or is likely to arise the commissioned officer may declare that an emergency situation exists in respect of an area specified by the commissioned officer.
- (2) The emergency commander, as soon as practicable after he or she declares that an emergency situation exists, shall issue a certificate to this effect signed by the emergency commander which certificate shall set out the nature of the emergency situation, the time and date it was declared to exist and the area in respect of which it exists.
- (3) The declaration that an emergency situation exists shall continue until revoked by the emergency commander or, if the emergency commander is unavailable, another commissioned officer of the same or more senior rank.
- (4) The emergency commander or, if the emergency commander is unavailable, another commissioned officer of the same or more senior rank, shall as soon as practicable thereafter, note the time and date of the revocation on the certificate issued pursuant to subsection (2).
- (5) The certificate issued in respect of an emergency situation shall be forwarded to the office of the Commissioner of the Police Service within 14 days of the revocation of the declaration of the emergency situation and shall be held in that office for a period of at least 6 years.

## **6 Effect of declaration under Disaster Management Act 2003**

A declaration under section 5 in force when a disaster situation is declared under the *Disaster Management Act 2003* must be revoked by the emergency commander or, if the emergency commander is unavailable, by a commissioned officer of the same or more senior rank, unless the emergency commander or commissioned officer believes on reasonable grounds that it is necessary for the declaration under section 5 to remain in force.

## **7 Power to delegate**

- (1) This section only applies for any period for which the emergency commander is not acting as the emergency commander.
- (2) The emergency commander may delegate the commander's functions under this Act, including the power to subdelegate functions, to an appropriately qualified police officer.
- (3) The power to delegate does not include the power to delegate the function to issue a certificate or make a note on a certificate under section 5.
- (4) For each delegation, the emergency commander must attach to the emergency situation certificate a copy of each written instrument mentioned in the *Acts Interpretation Act 1954*, section 27A(3) and a statement outlining any revocation of the delegation.
- (5) Without limiting the *Acts Interpretation Act 1954*, section 27A, if a delegation is in force at the end of the declaration of the emergency situation, the delegation ends.
- (6) In this section—  
*functions* includes powers.

---

## 8 Powers of emergency commander

- (1) Where during the period of and in the area specified in respect of an emergency situation the emergency commander is satisfied on reasonable grounds that it is necessary to effectively deal with that emergency situation he or she (and any other police officer acting on his or her instructions) may—
  - (a) direct the owner or the person for the time being in charge or in control of any resource to surrender it and place it under the emergency commander's or police officer's control (*resource surrender direction*);
  - (b) take control of any resource, whether it is in the charge or control of any person or not;
  - (c) in respect of any resource under the emergency commander's or police officer's control, direct any person who is capable of operating that resource to operate it as directed by him or her (*resource operator direction*);
  - (d) direct the evacuation and exclusion of any person or persons from any premises and for this purpose may remove or cause to be removed (using such force as is necessary for that purpose) any person who does not comply with a direction to evacuate or any person who enters, attempts to enter or is found in or on any premises in respect of which a direction for the exclusion of persons has been given;
  - (e) close or cause to be closed to traffic and pedestrians, any road, street, motorway, private road, private way, service lane, footway, right of way, access way or other way or close any place to which members of the public have access whether on payment of a fee or otherwise;
  - (f) enter or cause to be entered (using such force as is necessary for that purpose) any premises;
  - (g) search or cause to be searched (using such force as is necessary for that purpose) any premises and anything found therein or thereon;

[s 8A]

---

- (h) remove or cause to be removed from any premises (using such force as is necessary for that purpose) any animal or anything;
  - (i) direct any person to assist him or her in the manner specified by him or her (*help direction*).
- (2) The emergency commander or police officer must not give a resource operator direction or a help direction to a person if giving the direction would expose the person to imminent danger.
- (3) A person given a resource surrender direction, a resource operator direction or a help direction must comply with the direction, unless the person has a reasonable excuse.

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

## **Part 2A                      Terrorist emergency**

### **Division 1                      Declaring, extending and ending terrorist emergencies**

#### **Subdivision 1              Appointments**

##### **8A              Appointment of terrorist emergency commander and terrorist emergency forward commander**

- (1) This section applies if the commissioner or a deputy commissioner is satisfied on reasonable grounds that—
- (a) an emergency situation has arisen or is likely to arise; and
  - (b) the emergency situation results from or may result from or may lead to 1 or more terrorist acts at 1 or more places (each a *terrorist emergency site*).

- (2) The commissioner or deputy commissioner must appoint an appropriately qualified police officer to be the terrorist emergency commander.
- (3) Until the commissioner or deputy commissioner appoints a terrorist emergency commander, the commissioner or deputy commissioner has all the powers of a terrorist emergency commander.
- (4) Also, for each terrorist emergency site, an appropriately qualified police officer must be appointed as the terrorist emergency forward commander either by the commissioner or deputy commissioner or by the terrorist emergency commander under a delegation under section 8B.

### **8B Commissioner's or deputy commissioner's power to delegate**

The commissioner or the deputy commissioner may delegate the power under section 8A(4) to appoint a terrorist emergency forward commander to the terrorist emergency commander appointed under the section.

### **8C Function of terrorist emergency commander**

- (1) The terrorist emergency commander is responsible for the overall management and control of all terrorist emergencies declared for the emergency situation for which the commander was appointed.
- (2) The terrorist emergency commander may give directions to a terrorist emergency forward commander about the performance of functions and the exercise of powers under this Act by the terrorist emergency forward commander.
- (3) The terrorist emergency forward commander must comply with the directions and is generally subject to the management and control of the terrorist emergency commander.
- (4) The terrorist emergency commander has all the powers of a terrorist emergency forward commander and, for that purpose, a reference in this Act to a terrorist emergency forward

commander includes a reference to the terrorist emergency commander.

- (5) Subsections (2) and (4) do not limit other powers of the terrorist emergency commander.

## **8D Terrorist emergency commander's power to delegate**

- (1) This section only applies for any period for which the terrorist emergency commander is not acting as the commander.
- (2) The terrorist emergency commander may delegate the commander's functions under this Act, including the power to subdelegate functions, to an appropriately qualified police officer.
- (3) In this section—  
*functions* includes powers.

## **8E Function of terrorist emergency forward commander**

- (1) The terrorist emergency forward commander appointed for a terrorist emergency site is the police forward commander for, and responsible for the management and control of—
  - (a) the terrorist emergency site and on-site investigation; and
  - (b) if a terrorist emergency is declared under section 8G—the terrorist emergency.
- (2) The terrorist emergency forward commander has, for the commander's function in relation to a terrorist emergency, the powers that an emergency commander has for an emergency situation under part 2 and, for that purpose in section 8—
  - (a) a reference to an emergency situation includes a reference to the terrorist emergency; and
  - (b) a reference to an emergency commander includes a reference to a terrorist emergency forward commander.
- (3) For the purpose of the powers of a police officer acting on the commander's instructions, a reference in section 8 to a police

officer acting on the commander's instructions includes a reference to a terrorist emergency officer.

- (4) Subsections (2) and (3) do not limit other powers of the terrorist emergency forward commander or of a police officer acting on the commander's instructions.
- (5) However, powers conferred by this section are subject to section 8L.

## **8F Terrorist emergency forward commander's power to delegate**

- (1) This section only applies for any period for which the terrorist emergency forward commander is not acting as commander.
- (2) The commander may delegate the commander's functions under this Act, including the power to subdelegate functions, to an appropriately qualified police officer.
- (3) The power to delegate does not include the power to delegate the function to issue a terrorist emergency certificate or make a note on a certificate under section 8G(4) or 8J(2).
- (4) For each delegation, the terrorist forward commander must attach to the terrorist emergency certificate a copy of each written instrument mentioned in the *Acts Interpretation Act 1954*, section 27A(3) and a statement outlining any revocation of the delegation.
- (5) Without limiting the *Acts Interpretation Act 1954*, section 27A, if a delegation is in force at the end of the terrorist emergency, the delegation ends.
- (6) In this section—  
*functions* includes powers.

## Subdivision 2 Declaration

### 8G Terrorist emergency may be declared

- (1) If a terrorist emergency forward commander appointed for a terrorist emergency site is satisfied on reasonable grounds that the terrorist emergency powers are necessary to manage and control the site and circumstances relating to the site, the commander may declare that a terrorist emergency exists for a stated area (the ***declared area***) that includes the site.
- (2) The stated area must be the smallest area reasonably necessary to effectively deal with the terrorist emergency.
- (3) Without limiting subsection (1), a declared area may be any description of area surrounding a moving activity.

*Example—*

an area within a stated distance of a particular moving motor vehicle

- (4) As soon as practicable after making the declaration, the terrorist emergency forward commander, must issue a certificate (a ***terrorist emergency certificate***) signed by the commander stating—
  - (a) that a terrorist emergency has been declared; and
  - (b) the nature of the terrorist emergency; and
  - (c) the time and date the terrorist emergency was declared; and
  - (d) the declared area.
- (5) The terrorist emergency forward commander may at any time change the nature of the terrorist emergency or the declared area by amending their description on the certificate together with the time and date of the amendment.
- (6) The commissioner must immediately inform the Minister of the declaration of the terrorist emergency or of a significant change made under subsection (5).



- (7) If after reasonable efforts, the Minister can not be contacted, the commissioner must immediately inform the Premier of the declaration or change.
- (8) If neither the Minister nor the Premier can be contacted, the commissioner must immediately inform the next most senior Minister who is available of the declaration or change.
- (9) Unless either of the following happens, the declaration ends 7 days after the declaration is made—
  - (a) the terrorist emergency forward commander, the Minister or the Premier ends the declaration sooner;
  - (b) the Minister and the Premier extend the period of the declaration under section 8H.

#### **8H Extension of terrorist emergency beyond 7 days to a maximum of 14 days**

- (1) This section applies if the Minister and the Premier are satisfied, in relation to a terrorist emergency that—
  - (a) the terrorist emergency continues to exist; and
  - (b) it is necessary for police officers to continue to exercise terrorist emergency powers beyond the first 7 days (the *initial period*) of the terrorist emergency to protect life or health at serious risk.
- (2) Before the initial period ends, the Minister and the Premier may extend the period of the terrorist emergency to a total of not more than 14 days from the start of the initial period.

#### **8I Relevant person must end terrorist emergency in particular circumstances**

- (1) As soon as a relevant person is satisfied it is no longer necessary for police officers to continue to exercise terrorist emergency powers to protect life or health at serious risk, the relevant person must end the terrorist emergency.
- (2) If a relevant person ends a terrorist emergency, the terrorist emergency forward commander must as soon as practicable—

[s 8J]

---

- (a) inform police officers of the ending; and
  - (b) notify the time and date of the ending by gazette notice; and
  - (c) comply with section 8J.
- (3) In this section—  
*relevant person* means the terrorist emergency commander, the Minister or the Premier.

## **8J Dealing with the terrorist emergency certificate at the end of the emergency**

- (1) This section applies when a terrorist emergency ends.
- (2) The terrorist emergency forward commander must—
  - (a) note the time and date of the ending on the terrorist emergency certificate; and
  - (b) give the certificate to the office of the commissioner within 14 days after the ending of the terrorist emergency.
- (3) The terrorist emergency certificate must be kept in the office of the commissioner for a period of at least 6 years after the ending of the terrorist emergency.

## **Division 2 Exercise of powers**

### **Subdivision 1 Terrorist emergency officer powers**

#### **8K Definition for sdiv 1**

In this subdivision—

*terrorist emergency officer* means—

- (a) the terrorist emergency forward commander; or

- 
- (b) a police officer acting on the instructions of the terrorist emergency forward commander.

## **8L Grounds for exercise of power**

- (1) A terrorist emergency officer may exercise a terrorist emergency power—
  - (a) only during the period of the terrorist emergency and, unless otherwise provided, only in the declared area; and
  - (b) only if the terrorist emergency officer is satisfied that the exercise of power is necessary to effectively deal with the terrorist emergency.
- (2) A terrorist emergency officer exercising a power may use force that is reasonably necessary.

*Note—*

A terrorist emergency officer also has powers under section 8E.

## **8M Power to control movement of persons**

- (1) This section applies to a person who is in a declared area or who a terrorist emergency officer reasonably suspects is about to enter the declared area.
- (2) A terrorist emergency officer may direct the person—
  - (a) not to enter the declared area; or
  - (b) to go to a stated place in the declared area; or
  - (c) to temporarily stay at or in a stated place in the declared area; or
  - (d) not to enter a stated place in the declared area.
- (3) A direction may only be given to ensure the safety of any person, whether the safety of the person given the direction or another person.
- (4) A person given one or more directions under subsection (2)(a), (b), (c) or (d) is not, for that reason only,

under arrest or in the custody of a police officer for the purposes of the *Police Powers and Responsibilities Act 2000*.

- (5) A direction under subsection (2)(a), (b), (c) or (d) is not an enforcement act for the purposes of the *Police Powers and Responsibilities Act 2000*.

## **8N Power to search a person without a warrant**

- (1) A terrorist emergency officer may stop, detain and search a person for anything relevant to the terrorist emergency if the person is about to enter, is in or if the terrorist emergency officer reasonably suspects the person has just left, a declared area for the terrorist emergency.
- (2) The terrorist emergency officer may seize all or part of a thing—
- (a) that may provide evidence of the commission of an offence; or
  - (b) that the person intends to use to cause harm to himself, herself or someone else.
- (3) The *Police Powers and Responsibilities Act 2000*, chapter 20, applies as if anything done under subsection (1) or (2) were done under that Act.
- (4) Nothing done under this section, other than the search mentioned in subsection (5), is an enforcement act under the *Police Powers and Responsibilities Act 2000*.
- (5) A search of a person involving the removal of the person's clothing, other than outer clothing, is an enforcement act under the *Police Powers and Responsibilities Act 2000*.

## **8O Power to require name and address**

- (1) A terrorist emergency officer may require a person to state the person's correct name and address if the person is about to enter, is in or if the terrorist emergency officer reasonably suspects the person has just left, a declared area for the terrorist emergency.

- (2) Also, the police officer may require the person to give evidence of the correctness of the stated name and address if, in the circumstances, it would be reasonable to expect the person to be in possession of evidence of the correctness of the stated name or address or to otherwise be able to give the evidence.
- (3) In this section—  
*address* means current place of residence.

## **Subdivision 2      Other powers**

### **8Q      Power to direct officers of government agencies**

- (1) To the extent necessary to manage and control the response of government agencies to a terrorist emergency, the commissioner or a deputy commissioner may direct an officer of a government agency to do or not do an act, or to perform or not perform a function.
- (2) The act or function must be an act or function it is lawful for the officer to do or perform or not do or perform in the ordinary performance of the officer's functions.
- (3) The direction may be given only while the declaration is in effect and only in relation to any or all declared areas stated in the direction.
- (4) The direction may apply to more than 1 terrorist emergency.
- (5) The agency must be consulted before being given the direction.
- (6) The officer is authorised to comply, and must comply, with the direction.
- (7) The direction may be withdrawn by the Premier or the Minister responsible for the agency.
- (8) A direction under subsection (1) may be given generally to officers holding a type of office or exercising a function.
- (9) In this section—

*function* includes a power.

*officer* includes any employee of the government whether or not the person holds an office.

*performance*, of a function, includes the exercise of a power.

## **Division 3            Other provisions**

### **8R       Report to Minister**

- (1) The commissioner must give the Minister a report about a terrorist emergency within 6 months after the end of the declaration.
- (2) The report—
  - (a) must include—
    - (i) the nature of the terrorist emergency, when and why the emergency was declared, and when it ended; and
    - (ii) if the terrorist emergency declaration was extended, why it was extended; and
    - (iii) the terrorist emergency powers relied on and why they were relied on; and
    - (iv) if any terrorist emergency powers were delegated under section 8F, the reason the powers were delegated; and
    - (v) who authorised the exercise of the terrorist emergency powers and how the powers were exercised; and
  - (b) may include anything else the commissioner considers appropriate.

## **8S Tabling of report in Legislative Assembly**

- (1) The Minister must table in the Legislative Assembly a report about a terrorist emergency within 6 months after the end of the declaration.
- (2) The report must include all the information described in section 8R(2)(a) and may include anything else the Minister considers appropriate.
- (3) Subsection (2) does not require the report to include information that could reasonably be expected—
  - (a) to prejudice the investigation of a contravention or possible contravention of the law; or
  - (b) to enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or
  - (c) to endanger a person's life or physical safety; or
  - (d) to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
  - (e) to prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or
  - (f) to prejudice national security.

## **8T Review**

- (1) This part must be reviewed by the Minister before the end of 5 years after the commencement of this section.
- (2) A report on the outcome of the review must be tabled in the Legislative Assembly within 12 months after the end of the period of 5 years.







[s 13]

---

- (b) the substance poses a serious risk to the life or health of individuals; and
  - (c) the substance may spread if not contained; and
  - (d) a significant coordinated effort by emergency responders is necessary to adequately respond to the incident; and
  - (e) using powers available to an emergency commander in an emergency situation, or to someone else under another Act, would not enable emergency responders to effectively deal with the incident.
- (2) The CBRE commander must promptly inform the Minister of the declaration of the CBR emergency.
  - (3) If, after reasonable efforts, the Minister can not be contacted, the CBRE commander must promptly inform the Premier of the declaration of the CBR emergency.
  - (4) If neither the Minister nor the Premier can be contacted, the CBRE commander must promptly inform the next most senior Minister who is available of the declaration of the CBR emergency.
  - (5) As soon as practicable after declaring the CBR emergency, the CBRE commander must make a written record of the time and date the emergency was declared.
  - (6) Unless either of the following happens, the CBR emergency ends 24 hours after the declaration is made—
    - (a) a relevant person sooner ends the emergency under section 15;
    - (b) the Minister and the Premier extend the period of the emergency.

### **13 Extension of CBR emergency up to 7 days**

- (1) This section applies if the Minister and the Premier are satisfied—
  - (a) a CBR emergency has happened; and

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

*Note—*

For provisions about the exercise of the detention power after the first 48 hours of a CBR emergency, see division 5, subdivision 2.

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

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

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

## 14 Extension of CBR emergency beyond 7 days

- (1) A regulation may extend, or further extend, the period of a CBR emergency.

[s 15]

---

- (2) A regulation made for the purposes of this section commences on the day it is made whether or not it is notified on that day.
- (3) Also, a regulation extending the period of a CBR emergency expires 14 days after the start of the initial period of the emergency unless it is sooner repealed or expires under section 15(4).
- (4) In addition, a regulation further extending the period of a CBR emergency must state the period, of not more than 14 days, by which the emergency is extended.
- (5) Subsections (2) and (4) apply despite the *Statutory Instruments Act 1992*, section 32.

## 15 Ending CBR emergency

- (1) As soon as the relevant person is satisfied it is no longer necessary for emergency responders to continue to exercise CBR emergency powers to protect life or health at serious risk because of the CBR substance involved in the CBR emergency, the relevant person must end the emergency.
- (2) The CBRE commander must promptly inform emergency responders of the ending of the CBR emergency.
- (3) The CBRE commander must also notify the ending of the CBR emergency and when it ended by gazette notice as soon as practicable.
- (4) A regulation extending or further extending the period of the CBR emergency expires when the emergency ends.
- (5) In this section—  
*relevant person* means—
  - (a) to end a CBR emergency within 24 hours of its start—
    - (i) if a Minister has not been notified under section 12—the CBRE commander; or
    - (ii) if a Minister has been notified under section 12—the Minister notified; or

- (b) if the period of the CBR emergency is extended under section 13—the Minister and the Premier.

## **Division 3                      CBRE commander’s coordination responsibility and general powers**

### **Subdivision 1              CBRE commander**

#### **16              Meaning of *CBRE commander***

Each of the following is a *CBRE commander*—

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

#### **17              Coordination responsibility**

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

## **18 Powers of CBRE commander**

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

*Note 1—*

The powers mentioned in paragraph (b) are in section 8 and include power to give help directions, resource operator directions and resource surrender directions.

*Note 2—*

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

*Note 3—*

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

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

## **19 Power to authorise exercise of particular powers**

- (1) On the declaration of a CBR emergency, the CBRE commander may authorise any of the following to exercise powers available to emergency responders only under this Act—
  - (a) an ambulance officer;
  - (b) a fire officer;

- (c) a police officer;
  - (d) a veterinary officer.
- (2) On the declaration of a CBR emergency, the medical controller may—
- (a) exercise the powers of the medical controller under this part; and
  - (b) authorise a health officer to exercise powers available to the officer only under this part.
- (3) An authorisation under subsection (1) or (2)—
- (a) may be general or limited to a particular class of emergency responder; and
  - (b) may be given on conditions; and
  - (c) may be given orally or in writing but if given orally must be put in writing as soon as reasonably practicable.
- (4) A failure to put an authorisation in writing under subsection (3)(c) does not invalidate the authorisation or anything done under the authorisation.
- (5) The CBRE commander may delegate the power to authorise an emergency responder, other than a health officer, to exercise powers available to the responder only under this part—
- (a) for a power available to an ambulance officer—to the ambulance controller; or
  - (b) for a power available to a fire officer—to the fire controller; or
  - (c) for a power available to a veterinary officer—to the chief veterinary officer.
- (6) Despite the *Acts Interpretation Act 1954*, section 27A(3), a delegation under subsection (5) may be made orally or in writing.
- (7) However, if made orally, the delegation must be put in writing and a copy given to the delegate as soon as practicable after

the delegation is made, but no later than 7 days after the CBR emergency ends.

- (8) A delegation under subsection (5) also authorises the person to whom the power is delegated to exercise the power an emergency responder is authorised by the delegate to exercise.

*Example for subsection (8)—*

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

## **Subdivision 2 Powers available to emergency responders**

### **20 CBRE ambulance officers**

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

### **21 CBRE fire officers**

- (1) A CBRE fire officer may exercise the following powers—
- (a) the decontamination power;
  - (b) the property destruction power;
  - (c) the power to give directions under section 31.



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

## **22 CBRE health officers**

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

## **23 CBRE police officers**

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

authorisation to exercise the power and subject to the directions of the CBRE commander.

- (3) Also, if the CBRE police officer is a non-State police officer, the police officer is subject to the directions of a State police officer.

## **24 CBRE veterinary officers**

- (1) A CBRE veterinary officer may exercise the following powers—
  - (a) the decontamination power;
  - (b) the property destruction power;
  - (c) the power to give directions under section 31.
- (2) The CBRE veterinary officer may exercise the relevant power only in accordance with the terms of the authorisation to exercise the power and subject to the directions of the CBRE commander or the chief veterinary officer.

## **Division 4 Exercise of powers**

### **25 Power to seize property**

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

- (b) it is reasonably practicable for the person to leave the property in the place.

## **26 Power to destroy seized property**

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

## **27 Power to require name and address**

- (1) A CBRE police officer may require a person to state the person's correct name and address.

[s 27]

---

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

*Example of document—*

a driver licence

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

*Example for paragraph (c)—*

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

- (6) This section does not limit the powers a police officer has under the *Police Powers and Responsibilities Act 2000*, section 40.

---

## 28 Power to decontaminate

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

## 29 Power to medically examine and treat

- (1) This section applies if a person (*relevant person*) may be, is, or may have been affected by a CBR substance involved in the CBR emergency.
- (2) It is lawful for a CBRE ambulance officer or a CBRE health officer to medically examine the relevant person and provide any reasonably necessary treatment for the person.
- (3) If a person acting under subsection (2)—

[s 30]

---

- (a) is not a government doctor, subsection (2) is subject to any direction given by the medical controller or a government doctor; or
  - (b) is a government doctor, subsection (2) is subject to any direction given by the medical controller.
- (4) The power to medically examine a person includes power to take any reasonably necessary samples and perform any reasonably necessary tests for the purpose.
- (5) The power to treat a person includes power to isolate the person for the time reasonably necessary for preventing the spread of a CBR substance involved in the CBR emergency to others not already affected by the substance.

### **30 Refusal of medical treatment**

- (1) This section applies if, after being medically examined, a person is found to require medical treatment because of the effect of the CBR substance involved in the CBR emergency.
- (2) The person may refuse to undergo the treatment.
- (3) However, if the medical controller or a government doctor is satisfied allowing the person to leave without medical treatment will pose a serious risk to the life or health of individuals not already affected by the CBR substance involved in the CBR emergency, it is lawful for a CBRE ambulance officer or a CBRE health officer to treat the person despite the refusal.

*Example—*

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

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

---

### **31 Power to give particular directions**

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

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

## **Division 5 Provisions about detention**

### **Subdivision 1 Detention powers**

#### **32 Power to detain**

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

*Example—*

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

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

## **Subdivision 2      Exercise of detention power after first 48 hours**

### **33      Continued exercise of detention power after 48 hours**

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

### **34      Application for approval to continue exercising detention power**

- (1) This section applies only if the Minister and the Premier are satisfied it is necessary for the CBRE commander to continue to exercise the detention power after the first 48 hours.
- (2) The commissioner may apply to the Supreme Court judge for an order approving the continued exercise of the detention power.



- (3) The application must be made before the first 48 hours of the CBR emergency ends.
- (4) The commissioner must immediately give the monitor notice of the making of the application and a copy of the application.
- (5) The monitor is entitled to be present at the consideration of the application and, for that purpose at the hearing, may—
  - (a) present questions for the applicant to answer and examine or cross-examine any witnesses; and
  - (b) make submissions on the appropriateness in the public interest of granting the application.

### **35 Consideration of application**

- (1) The Supreme Court judge—
  - (a) must decide the application as quickly as possible; and
  - (b) may consider any representations made by the monitor; and
  - (c) may make the orders the judge considers appropriate for deciding the application, including, for example, an order suspending the operation of the decision on the application pending the outcome of an appeal; and
  - (d) may approve or refuse to approve the continued exercise of the detention power.

*Examples of orders for paragraph (c)—*

- interim orders
  - orders adjourning the application until the commissioner gives the judge additional information
  - orders approving the release of some individuals but continuing the detention of others
- (2) However, the Supreme Court judge may approve the application only if satisfied continued use of the detention power is reasonably necessary to prevent a serious risk to the life or health of individuals not already affected by the CBR substance involved in the CBR emergency.

- (3) If the Supreme Court judge does not decide the application before the end of the first 48 hours of the CBR emergency, it is lawful for the CBRE commander to continue to exercise the detention power until the application is finally decided.

### **36 Appeal**

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

## **Subdivision 3 Other provisions about detention**

### **37 Application of sdiv 3**

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

### **38 CBRE commander's obligations in relation to relevant person**

- (1) The CBRE commander must—

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

### **39 Application to Supreme Court judge for order ending person’s detention**

- (1) This section applies if a relevant person has been detained under this part because of a CBR emergency.
- (2) The relevant person’s lawyer or a person nominated by the relevant person (the *applicant*) may apply to a Supreme Court judge for an order ending the relevant person’s detention.

[s 40]

---

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

## **40 Appeal**

- (1) A party to a decision of the Supreme Court judge on an application for an order ending a relevant person's detention may appeal to the Court of Appeal against the decision.
- (2) If the commissioner is the appellant, the decision appealed against is stayed on the filing of the notice of appeal.
- (3) The Court of Appeal must hear and decide the appeal without delay.
- (4) If the commissioner is the appellant, the Court of Appeal may make an order—
  - (a) allowing the appeal; or

- (b) confirming the decision appealed against and dismissing the appeal.
- (5) If the relevant person is the appellant, the Court of Appeal may make an order—
  - (a) ending the relevant person's detention; or
  - (b) confirming the decision appealed against and dismissing the appeal.
- (6) The Court of Appeal may make the other orders the court considers appropriate.
- (7) However, the Court of Appeal may not order a party other than the commissioner to pay the commissioner's costs of the appeal.

## **Division 6                      Other provisions**

### **41            Record of seized property to be kept**

- (1) The commissioner must ensure a written record of property seized under this part is kept.
- (2) The record must include the following information—
  - (a) a description of the property, sufficient to identify it;
  - (b) when and where the property was seized;
  - (c) if known, from whom the property was seized;
  - (d) if known, the name and address of the person who appears to be entitled to lawfully possess the property;
  - (e) what happened to the property after it was seized;
  - (f) if the property was destroyed—why it was destroyed;
  - (g) if the property was returned to a person under section 42—the name and address of the person and when the property was returned.

[s 42]

---

- (3) A police officer who seizes property under this part must ensure the information mentioned in subsection (2) is recorded as soon as practicable after seizing the property.
- (4) This section applies despite the *Police Powers and Responsibilities Act 2000*, chapter 21, part 2, division 3.
- (5) Also, the *Police Powers and Responsibilities Act 2000*, section 622 does not apply to a thing seized under this part.

## 42 Return etc. of seized property

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

*Note—*

Property in the possession of the police service that is forfeited to the State may be dealt with under the *Police Powers and Responsibilities Act 2000*, chapter 21, part 3.

## 43 Reports

- (1) The Minister must table in the Legislative Assembly a report about the CBR emergency within 6 months after the end of the emergency.
- (2) The report—
  - (a) must include—



[s 43B]

---

- (4) If a CBR emergency is declared to exist for all or part of a situation for which an emergency situation has been declared to exist, the emergency situation is of no effect to the extent the CBR emergency has been declared to exist.
- (5) An emergency situation is affected under subsection (2), (3) or (4) by the existence of a terrorist or CBR emergency only while the terrorist or CBR emergency is in force.

### **43B Terrorist emergency**

- (1) A terrorist emergency may be declared to exist even though an emergency situation or a CBR emergency has been declared to exist for all or part of the same situation.
- (2) The declared area may be all, partly or not included in a declaration under part 2.
- (3) Subject to section 43A, the terrorist emergency and the emergency situation, or CBR emergency, operate in conjunction with each other.

### **43C CBR emergency**

- (1) A CBR emergency may be declared to exist even though an emergency situation or terrorist emergency has been declared to exist for all or part of the same situation.
- (2) Subject to section 43A, the CBR emergency and the emergency situation, or terrorist emergency, operate in conjunction with each other.

### **43D Multiple appointments**

- (1) Nothing in this Act prevents a person holding or being appointed to more than position as commander under this Act.
- (2) In this section—  
*commander* means any of the following—
  - (a) emergency commander;



- (b) terrorist emergency commander;
- (c) terrorist emergency forward commander;
- (d) CBRE commander.

## Part 4                      General provisions

### 44            Protection of employment rights

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

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

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

- (6) In this section—

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

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

#### **45 Compensation for personal injury**

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

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

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

---

Council considers appropriate, or may reject the application for compensation.

- (5) Compensation payable under this section shall be paid from the consolidated fund (which is hereby to the necessary extent appropriated accordingly).

#### **47 Protection from liability**

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

- (2) In this section—

*official* means—

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

#### **48 Evidentiary provisions**

In a proceeding for the purpose of this Act—

- (a) it shall not be necessary to prove the appointment of the emergency commander, the CBRE commander, a police officer or anyone else authorised under part 3 to do any act or take any proceeding;
- (b) a signature purporting to be that of a person mentioned in paragraph (a) is taken to be the signature it purports to be until the contrary is proved;

- (c) a document purporting to be a copy of a certificate declaring an emergency situation pursuant to section 5 shall, upon its production in that proceeding be evidence and in the absence of evidence to the contrary, conclusive evidence of that certificate and of the matters contained therein;
- (d) a certificate signed by the CBRE commander and stating any of the following is evidence of what it states—
  - (i) on a stated day and at a stated time the CBRE commander declared a CBR emergency;
  - (ii) on a stated day and at a stated time the period of the CBR emergency was extended beyond the first 24 hours of the emergency;
  - (iii) on a stated day and at a stated time the CBRE commander delegated a stated power to a stated person;
  - (iv) on a stated day and at a stated time the CBRE commander authorised a stated emergency responder or a stated class of emergency responder to exercise a stated power under part 3;
  - (v) on a stated day and at a stated time a stated police officer seized stated property from a stated person or a stated place;
- (e) a certificate signed by any of the following and stating a stated person was authorised to exercise a stated power and when the person was authorised to exercise the power is evidence of what it states—
  - (i) an ambulance controller;
  - (ii) a fire controller;
  - (iii) a medical controller;
  - (iv) the chief veterinary officer;
- (f) a certificate signed by a medical controller and stating a stated biological or radiological substance was involved in a stated CBR emergency is evidence of what it states;

- (g) a certificate signed by a fire controller and stating a stated chemical substance was involved in a stated CBR emergency is evidence of what it states;
- (h) the authority of an emergency responder to exercise a power under part 3 must be presumed, unless the contrary is proved.

**49 Application of Police Powers and Responsibilities Act 2000 to a direction given by a police officer under this Act**

The *Police Powers and Responsibilities Act 2000* applies as if a direction given by a police officer under this Act were a direction given under that Act.

**50 Powers unaffected by failure to comply with formal provision**

A failure to comply with any of the following provisions in relation to an emergency has no effect on the exercise of powers in relation to the emergency—

- (a) for an emergency situation—section 5(2);
- (b) for a terrorist emergency—sections 8G(4) and (6) to (8) and 8J;
- (c) for a CBR emergency—section 12(5).

## Schedule Dictionary

### section 4

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

***ambulance officer*** means—

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

***appropriately qualified***, for an appointment, or a delegation of a function, includes having the qualifications, experience or standing appropriate for the appointment or appropriate to perform the function delegated, or, if the function is a power, to exercise the power delegated.

*Example of standing in relation to a police officer—*

the rank of the police officer

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

***CBRE commander*** see section 16.

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

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

***CBR emergency*** see section 12.

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

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

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

***CBR substance*** means—

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

***chief veterinary officer*** means a veterinary surgeon under the *Veterinary Surgeons Act 1936* employed to perform functions as the chief veterinary officer for the department in which the *Biosecurity Act 2014* is administered.

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

***commissioner*** means the commissioner of the Queensland Police Service.

***declared area*** see section 8G(1).

***decontamination power*** means the power described in section 28.

***deputy commissioner*** means an executive officer within the Queensland Police Service holding rank as deputy commissioner.

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

***emergency commander*** see section 5(1).

***emergency responder*** means—

- (a) until a CBR emergency is declared, a person who is—
  - (i) a government ambulance officer; or
  - (ii) a government fire officer; or
  - (iii) a government health officer; or

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

***emergency situation*** means—

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

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

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



***fire officer*** means—

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

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

***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 employed in—
  - (i) the department which administers the *Public Health Act 2005*; or
  - (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—

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

***health officer*** means—

- (a) a government health officer; or

(b) a non-government doctor; or

(c) a non-government nurse.

**help direction** see section 8.

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

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

**involved**, in relation to a CBR substance, includes—

(a) likely to be involved; and

(b) likely to have been involved.

**medical controller** means a government health officer whose duties include performing functions as a controller of health officers responding to a CBR emergency, employed in—

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

(b) a Hospital and Health Service.

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

**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 nurse** means a person—

- 
- (a) registered under the Health Practitioner Regulation National Law—
    - (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
    - (ii) in the registered nurses division of that profession; and
  - (b) who is not a government nurse.

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

***nurse*** means—

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

***police officer*** means—

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

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

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

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

***reasonably suspects*** means suspects on grounds that are reasonable in the circumstances.

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

***resource operator direction*** see section 8.

***resource surrender direction*** see section 8.

***search*** see the *Police Powers and Responsibilities Act 2000*, schedule 6.

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

***terrorist act*** see the *Police Powers and Responsibilities Act 2000*, section 211.

***terrorist emergency*** means a terrorist emergency declared under section 8G(1).

***terrorist emergency certificate*** see section 8G(4).

***terrorist emergency officer*** see section 8K.

***terrorist emergency powers*** means the powers conferred under part 2A for a terrorist emergency on the terrorist emergency forward commander or a police officer acting under the forward commander's instructions.

***terrorist emergency site*** see section 8A(1)(b).

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

***veterinary officer*** means a public service employee who is a veterinary surgeon under the *Veterinary Surgeons Act 1936*.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### **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](mailto: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.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1	1995 Act No. 58	28 November 1995	15 January 1996
1A	1996 Act No. 75	1 February 1997	20 February 1997

---

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1B	2000 Act No. 5	1 July 2000	1 September 2000

---

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1C	2003 Act No. 19	9 May 2003	
1D	2003 Act No. 27	1 July 2003	
1E	2003 Act No. 46	27 August 2003	
1F	2003 Act No. 91	31 March 2004	
1G	2005 Act No. 48	1 December 2005	
1H	2000 Act No. 5 (amd 2006 Act No. 26)	21 July 2006	
1I	2007 Act No. 34	1 March 2008	R1I withdrawn, see R2
2	—	1 March 2008	
2A	2010 Act No. 14	1 July 2010	
2B	2010 Act No. 40	1 November 2010	
2C	2011 Act No. 32 (amd 2012 Act No. 9)	1 July 2012	
2D	2012 Act No. 25	12 November 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
21 May 2014	2014 Act No. 17	
1 July 2014	2014 Act No. 21	RA s 44
20 November 2015	2015 Act No. 27	
1 July 2016	2014 Act No. 7	

## 4 List of legislation

### **Public Safety Preservation Act 1986 No. 25**

date of assent 8 April 1986  
commenced on date of assent  
amending legislation—

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

date of assent 28 November 1995  
commenced on date of assent

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

date of assent 12 December 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 February 1997 (1996 SL No. 442)

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

date of assent 23 March 2000  
ss 1–2, 373 commenced on date of assent  
remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

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

date of assent 9 May 2003  
commenced on date of assent

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

date of assent 23 May 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2003 (see s 2(2))

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

date of assent 27 August 2003  
commenced on date of assent

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

date of assent 18 November 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 31 March 2004 (2004 SL No. 24)

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

date of assent 2 November 2005  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2005 (2005 SL No. 280)

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

date of assent 23 March 2000  
ss 1–2, 373–377, sch 2 commenced on date of assent (see s 2(2))  
s 211 commenced 24 March 2001 (automatic commencement under AIA s 15DA(2))  
remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)



amending legislation—

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

date of assent 1 June 2006

ss 1–2 commenced on date of assent

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

**Terrorism Legislation Amendment Act 2007 No. 34 pts 1, 4, s 7 sch**

date of assent 29 August 2007

ss 1–2 commenced on date of assent

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

**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, 3**

date of assent 14 October 2010

ss 1–2 commenced on date of assent

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

**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))

**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)

**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

s 578 sch 4 pt 2 commenced 1 July 2016 (see s 2(1)–(2))

**Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pts 2, 4**

date of assent 21 May 2014

commenced on date of assent

**Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), 94(2) sch 2**

date of assent 21 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 107)

**Counter-Terrorism and Other Legislation Amendment Act 2015 No. 27 s 1, pt 4**

date of assent 20 November 2015

commenced on date of assent

## **5 List of annotations**

**Long title** amd 2003 No. 46 s 3; 2007 No. 34 s 8

**Arrangement of Act**

**s 2** om R1 (see RA s 36)

**Extraterritorial application of Act**

**s 3A** ins 2015 No. 27 s 9

**Definitions**

**s 4** amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 4(1)

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

**Relationship with another declaration under another Act**

**s 4A** ins 2003 No. 46 s 5

sub 2007 No. 34 s 9

**Declaration of emergency situation**

**s 5** amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 6; 2007 No. 34 ss 10, 7 sch; 2010 No. 40 s 44

**Effect of declaration under Disaster Management Act 2003**

**s 6** amd 1995 No. 58 s 4 sch 1; 2003 No. 19 s 3 sch; 2003 No. 91 s 175 sch 1; 2007 No. 34 s 7 sch

sub 2010 No. 40 s 45

**Power to delegate**

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

sub 2007 No. 34 s 11

**Powers of emergency commander**

**s 8** amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 8; 2007 No. 34 s 7 sch

**PART 2A—TERRORIST EMERGENCY**

**pt hdg** ins 2007 No. 34 s 12

**Division 1—Declaring, extending and ending terrorist emergencies**

**div hdg** ins 2007 No. 34 s 12

**Subdivision 1—Appointments**

**sdiv 1 (ss 8A–8F)** ins 2007 No. 34 s 12

**Subdivision 2—Declaration**

**sdiv 2 (ss 8G–8J)** ins 2007 No. 34 s 12

**Division 2—Exercise of powers**

**div hdg** ins 2007 No. 34 s 12

**Subdivision 1—Terrorist emergency officer powers**

**sdiv 1 (ss 8K–8O)** ins 2007 No. 34 s 12

**Subdivision 2—Other powers**

**sdiv 2 (s 8Q)** ins 2007 No. 34 s 12

**Division 3—Other provisions**

**div 3 (ss 8R–8T)** ins 2007 No. 34 s 12

**PART 3—CHEMICAL, BIOLOGICAL AND RADIOLOGICAL EMERGENCIES**

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

pres pt 3 hdg ins 2003 No. 46 s 13

**Division 1—Preliminary**

**div hdg** ins 2003 No. 46 s 13

**Parliament's intention**

**s 9** ins 2003 No. 46 s 13

**Relationship to other Acts**

**s 10** ins 2003 No. 46 s 13

amd 2003 No. 91 s 175 sch 1

om 2007 No. 34 s 13

**CBR emergency powers and powers under other Acts**

**s 11** ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch; 2014 No. 7 s 578 sch 4 pt 2

**Division 2—Declaring, extending and ending CBR emergencies**

**div hdg** ins 2003 No. 46 s 13

**CBR emergency may be declared**

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

pres s 12 ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch

**Extension of CBR emergency up to 7 days**

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

pres s 13 ins 2003 No. 46 s 13

**Extension of CBR emergency beyond 7 days**

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

pres s 14 ins 2003 No. 46 s 13

amd 2012 No. 25 s 195 sch

**Ending CBR emergency**

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

pres s 15 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Division 3—CBRE commander’s coordination responsibility and general powers**

**div hdg** ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Subdivision 1—CBRE commander**

**sdiv hdg** ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Meaning of CBRE commander**

s 16 prev s 16 amd 1995 No. 58 s 4 sch 1; 2000 No. 5 s 461 sch 3  
om 2003 No. 46 s 14  
pres s 16 ins 2003 No. 46 s 13  
amd 2007 No. 34 ss 14, 7 sch

**Coordination responsibility**

s 17 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Powers of CBRE commander**

s 18 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Power to authorise exercise of particular powers**

s 19 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Subdivision 2—Powers available to emergency responders**

**sdiv hdg** ins 2003 No. 46 s 13

**CBRE ambulance officers**

s 20 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**CBRE fire officers**

s 21 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**CBRE health officers**

s 22 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**CBRE police officers**

s 23 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**CBRE veterinary officers**

s 24 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

**Division 4—Exercise of powers**

**div hdg** ins 2003 No. 46 s 13

**Power to seize property**

s 25 ins 2003 No. 46 s 13

**Power to destroy seized property**

s 26 ins 2003 No. 46 s 13

**Power to require name and address**

s 27 ins 2003 No. 46 s 13

amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86); 2007 No. 34 s 7 sch

**Power to decontaminate**

s 28 ins 2003 No. 46 s 13

**Power to medically examine and treat**

s 29 ins 2003 No. 46 s 13

**Refusal of medical treatment**

s 30 ins 2003 No. 46 s 13

**Power to give particular directions**

s 31 ins 2003 No. 46 s 13

**Division 5—Provisions about detention**

div hdg ins 2003 No. 46 s 13

**Subdivision 1—Detention powers**

sdiv hdg ins 2003 No. 46 s 13

**Power to detain**

s 32 ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch

**Subdivision 2—Exercise of detention power after first 48 hours**

sdiv hdg ins 2003 No. 46 s 13

**Continued exercise of detention power after 48 hours**

s 33 ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch

**Application for approval to continue exercising detention power**

s 34 ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch

**Consideration of application**

s 35 ins 2003 No. 46 s 13

amd 2007 No. 34 s 7 sch

**Appeal**

s 36 ins 2003 No. 46 s 13

**Subdivision 3—Other provisions about detention**

sdiv hdg ins 2003 No. 46 s 13

**Application of sdiv 3**

s 37 ins 2003 No. 46 s 13

**CBRE commander's obligations in relation to relevant person**

s 38 ins 2003 No. 46 s 13  
amd 2007 No. 34 s 7 sch

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

s 39 ins 2003 No. 46 s 13

**Appeal**

s 40 ins 2003 No. 46 s 13

**Division 6—Other provisions**

div hdg ins 2003 No. 46 s 13

**Record of seized property to be kept**

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

**Return etc. of seized property**

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

**Reports**

s 43 ins 2003 No. 46 s 13

**PART 3A—RELATIONSHIP BETWEEN EMERGENCIES**

pt 3A (ss 43A–43D) ins 2007 No. 34 s 15

**PART 4—GENERAL PROVISIONS**

**Protection of employment rights**

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

**Compensation for personal injury**

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

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

s 46 (prev s 11) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 11  
renum and reloc 2003 No. 46 s 12  
amd 2007 No. 34 s 7 sch

**Protection from liability**

s 47 (prev s 17) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 15  
renum 2003 No. 46 s 17  
amd 2007 No. 34 s 7 sch

**Evidentiary provisions**

s 48 (prev s 18) amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 16  
renum 2003 No. 46 s 17  
amd 2007 No. 34 s 7 sch

**Application of Police Powers and Responsibilities Act 2000 to a direction given by a police officer under this Act**

s 49 ins 2007 No. 34 s 16

**Powers unaffected by failure to comply with formal provision**

s 50 ins 2007 No. 34 s 16

**SCHEDULE—DICTIONARY**

sch ins 2003 No. 46 s 18

Note—definitions for this Act were originally located in s 4.

def *ambulance controller* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *ambulance officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *appropriately qualified* ins 2007 No. 34 s 17(2)

def *CBRE ambulance officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBRE commander* ins 2007 No. 34 s 17(2)

def *CBRE coordinator* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

om 2007 No. 34 s 17(1)

def *CBRE fire officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBRE health officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBR emergency* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBR emergency powers* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

amd 2007 No. 34 s 7 sch

def *CBRE police officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBRE veterinary officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *CBR substance* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *chief veterinary officer* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

sub 2014 No. 7 s 578 sch 4 pt 2

def *commissioned officer* reloc 2003 No. 46 s 4(3)

def *commissioner* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *declared area* ins 2007 No. 34 s 17(2)

def *decontamination power* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *deputy commissioner* ins 2007 No. 34 s 17(2)

def *detention power* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

def *emergency commander* ins 2007 No. 34 s 7 sch

def *emergency responder* ins 2003 No. 46 s 4(2)

reloc 2003 No. 46 s 4(3)

Endnotes

---

def *emergency situation* reloc 2003 No. 46 s 4(3)  
amd 2010 No. 40 s 46  
def *fire controller* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
amd 2014 No. 17 s 184 sch 1 pt 4  
def *fire officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *government ambulance officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *government doctor* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
sub 2010 No. 14 s 124 sch  
amd 2011 No. 32 s 332 sch 1 pt 2 (amd 2012 No. 9 s 47)  
def *government fire officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
amd 2014 No. 17 s 184 sch 1 pt 2  
def *government health officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *government nurse* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
sub 2010 No. 14 s 124 sch  
amd 2011 No. 32 s 332 sch 1 pt 2 (amd 2012 No. 9 s 47)  
def *health officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *help direction* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *Hospital and Health Service* ins 2011 No. 32 s 332 sch 1 pt 2 (amd 2012 No. 9 s 47)  
def *identity power* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *incident coordinator* ins 1995 No. 58 s 4 sch 1  
reloc 2003 No. 46 s 4(3)  
om 2007 No. 34 s 17(1)  
def *involved* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *medical controller* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
amd 2005 No. 48 s 492 sch 1  
sub 2011 No. 32 s 332 sch 1 pt 2 (amd 2012 No. 9 s 47)  
def *member of the police force* om from s 4 1995 No. 58 s 4 sch 1  
def *Minister* om from s 4 1995 No. 58 s 4 sch 1  
def *monitor* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
amd 2014 No. 21 s 94(2) sch 2  
def *non-government ambulance officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *non-government doctor* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)



sub 2010 No. 14 s 124 sch  
def *non-government fire officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
amd 2014 No. 17 s 184 sch 1 pt 4  
def *non-government nurse* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
sub 2010 No. 14 s 124 sch  
def *non-State police officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *nurse* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *police officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *premises* reloc 2003 No. 46 s 4(3)  
def *property destruction power* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *property seizure power* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *reasonably suspects* ins 2007 No. 34 s 17(2)  
def *resource* reloc 2003 No. 46 s 4(3)  
def *resource operator direction* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *resource surrender direction* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *search* ins 2007 No. 34 s 17(2)  
def *State police officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *terrorist act* ins 2007 No. 34 s 17(2)  
def *terrorist emergency* ins 2007 No. 34 s 17(2)  
def *terrorist emergency certificate* ins 2007 No. 34 s 17(2)  
def *terrorist emergency officer* ins 2007 No. 34 s 17(2)  
def *terrorist emergency powers* ins 2007 No. 34 s 17(2)  
def *terrorist emergency site* ins 2007 No. 34 s 17(2)  
def *treatment power* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
def *veterinary officer* ins 2003 No. 46 s 4(2)  
reloc 2003 No. 46 s 4(3)  
sub 2014 No. 7 s 578 sch 4 pt 2