



Public Safety Preservation Act 1986

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Queensland

Public Safety Preservation Act 1986

Contents

		Page
Part 1	Preliminary	
1	Short title	7
3	Crown bound	7
3A	Extraterritorial application of Act	7
4	Definitions	8
4A	Relationship with another declaration under another Act	9
Part 2	Emergency situation	
Division 1	Declarations and delegations	
5	Declaration of emergency situation	9
6	Effect of declaration under Disaster Management Act 2003	10
7	Delegation of power for particular periods	10
7A	Delegation of power to require information	11
Division 2	Powers for area in which emergency situation exists	
8	General powers	11
Division 3	Power to require information	
Subdivision 1	Preliminary	
8AA	Definitions for division	13
8AB	Meaning of authorised person	14
8AC	Meaning of unauthorised person	14
8AD	Meaning of disclosure recipient	14
Subdivision 2	Information requirements	
8AE	Making of information requirement	15
8AF	Person to be informed of relevant matters	18
8AG	Offence to contravene information requirement	20
8AH	Offence to give false or misleading information	21
Subdivision 3	Restrictions on disclosing information matter to unauthorised persons	

Contents

8AI	Offence for person to disclose information matter to unauthorised person	22
8AJ	Offence for disclosure recipient to disclose information matter to unauthorised person	24
8AK	Notice that person released from prohibition on disclosing information matter	25
Subdivision 4	Disclosure notices	
8AL	Request for disclosure notice to be given	26
8AM	Obligation to give, or to refuse to give, disclosure notice	28
8AN	Person to be informed of relevant matters	28
8AO	Procedure if disclosure notice is given	31
8AP	Procedure if disclosure notice is refused	32
Subdivision 5	Other matters	
8AQ	Protection from liability for giving information	32
8AR	Persons to be informed that emergency situation has ended ...	34
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	34
8B	Commissioner's or deputy commissioner's power to delegate ..	35
8BA	Appointment of TERC commander	35
8C	Function and powers of terrorist emergency commander	36
8D	Terrorist emergency commander's power to delegate	37
8E	Function and powers of terrorist emergency forward commander	37
8F	Terrorist emergency forward commander's power to delegate ..	38
8FA	Function and powers of TERC commander	39
8FB	TERC commander's power to delegate	40
Subdivision 2	Declarations	
8G	Terrorist emergency may be declared	40
8GA	Evacuation areas may be declared	42
8H	Extension of terrorist emergency beyond 7 days	43
8HA	Extension of terrorist emergency beyond 28 days	44
8I	Relevant person must end terrorist emergency in particular circumstances	44
8J	Dealing with certificates at end of terrorist emergency	45
Division 2	Exercise of powers	

Subdivision 1	Terrorist emergency officer powers for declared areas	
8K	Definition for sdiv 1	45
8L	Grounds for exercise of power	46
8M	Power to control movement of persons	46
8N	Power to search a person without a warrant	47
8O	Power to require name, address and date of birth	48
8P	Power to search vehicle without warrant	48
Subdivision 1A	Terrorist emergency officer powers for declared evacuation areas	
8PA	Definition for subdivision	49
8PB	Grounds for exercise of power	49
8PC	Power to control movement of persons	50
8PD	Application of particular provisions to terrorist emergency officer	51
Subdivision 2	Other powers	
8Q	Power to direct officers of government agencies	51
Division 3	Other provisions	
8R	Report to Minister	52
8S	Tabling of report in Legislative Assembly	53
8T	Review	54
Part 3	Chemical, biological and radiological emergencies	
Division 1	Preliminary	
9	Parliament's intention	54
11	CBR emergency powers and powers under other Acts	55
Division 2	Declaring, extending and ending CBR emergencies	
12	CBR emergency may be declared	56
13	Extension of CBR emergency up to 7 days	57
14	Extension of CBR emergency beyond 7 days	58
15	Ending CBR emergency	58
Division 3	CBRE commander's coordination responsibility and general powers	
Subdivision 1	CBRE commander	
16	Meaning of CBRE commander	59
17	Coordination responsibility	59
18	Powers of CBRE commander	60
19	Power to authorise exercise of particular powers	61
Subdivision 2	Powers available to emergency responders	
20	CBRE ambulance officers	62

Contents

21	CBRE fire officers	63
22	CBRE health officers	63
23	CBRE police officers	63
24	CBRE veterinary officers	64
Division 4	Exercise of powers	
25	Power to seize property	64
26	Power to destroy seized property	65
27	Power to require name and address	66
28	Power to decontaminate	67
29	Power to medically examine and treat	67
30	Refusal of medical treatment	68
31	Power to give particular directions	69
Division 5	Provisions about detention	
Subdivision 1	Detention powers	
32	Power to detain	69
Subdivision 2	Exercise of detention power after first 48 hours	
33	Continued exercise of detention power after 48 hours	70
34	Application for approval to continue exercising detention power	71
35	Consideration of application	71
36	Appeal	72
Subdivision 3	Other provisions about detention	
37	Application of sdiv 3	73
38	CBRE commander's obligations in relation to relevant person ..	73
39	Application to Supreme Court judge for order ending person's detention	74
40	Appeal	75
Division 6	Other provisions	
41	Record of seized property to be kept	75
42	Return etc. of seized property	76
43	Reports	77
Part 3A	Relationship between emergencies	
43A	Emergency situation	78
43B	Terrorist emergency	78
43C	CBR emergency	79
43D	Multiple appointments	79
Part 4	General provisions	

Contents

44	Protection of employment rights	79
45	Compensation for personal injury	80
46	Compensation for use of, damage to or destruction of property	80
47	Protection from liability	81
47A	Proceedings for offences	82
47B	Use of information obtained under Act	83
48	Evidentiary provisions	84
49	Application of Police Powers and Responsibilities Act 2000 to a direction given by a police officer under this Act	86
50	Powers unaffected by failure to comply with formal provision	86
Schedule	Dictionary	87

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) A declaration under section 8GA of a vehicle or an area surrounding a vehicle—
- (a) may be made even if the vehicle or area is outside Queensland at the time of the declaration; and
 - (b) is not affected if the vehicle or area moves outside Queensland while the declaration is in effect.
- (8) Subsections (3) to (7) 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

Division 1 Declarations and delegations

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) As soon as practicable after making the declaration, the emergency commander must issue a certificate (an *emergency situation certificate*) signed by the commander stating—
 - (a) that an emergency situation has been declared to exist; and
 - (b) the nature of the emergency situation; and
 - (c) the date and time the emergency situation was declared to exist; and
 - (d) the area in respect of which the emergency situation exists.

[s 6]

- (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 date and time of the revocation on the emergency situation certificate.
- (5) The commissioner must keep the emergency situation certificate for 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 Delegation of power for particular periods

- (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—
 - (a) issue an emergency situation certificate; or
 - (b) make a note under section 5(4) on an emergency situation certificate.

- (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.

7A Delegation of power to require information

- (1) The emergency commander may delegate the power conferred under section 8AE to an appropriately qualified police officer, including the power to subdelegate that power to another appropriately qualified police officer.
- (2) 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.
- (3) 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.

Division 2 Powers for area in which emergency situation exists

8 General powers

- (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;
- (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.

Division 3 Power to require information

Subdivision 1 Preliminary

8AA Definitions for division

In this division—

authorised person, for an information matter, see section 8AB.

disclosure notice see section 8AL(2).

disclosure recipient see section 8AD.

employer, of a person, means the person who employs the person or by whom the person is engaged.

give, in relation to information, includes carry out a procedure to generate the information.

information includes a document.

information matter means—

- (a) the fact an information requirement is made of a person;
or
- (b) the nature of the information sought under an information requirement that is made of a person.

information requirement see section 8AE(3).

[s 8AB]

manager, of a person, means a person who is employed or engaged by the same entity as the person and who manages or supervises the person's work.

relevant officer see section 8AL(4).

unauthorised person, for an information matter, see section 8AC.

work-related information, for a person of whom an information requirement is made, means information that is held, or is to be collected, by an entity by which the person is employed or engaged.

8AB Meaning of *authorised person*

An *authorised person*, for an information matter, is—

- (a) a person who has been given a disclosure notice authorising the disclosure of the information matter to the person; or

Note—

See subdivision 4 for the giving of disclosure notices.

- (b) a police officer to whom an information matter must, or may, be disclosed under this Act.

8AC Meaning of *unauthorised person*

An *unauthorised person*, for an information matter, is a person other than an authorised person for the information matter.

Note—

See subdivision 3 for the restrictions on disclosing an information matter to an unauthorised person.

8AD Meaning of *disclosure recipient*

- (1) A *disclosure recipient* is a person to whom an information matter is disclosed.

-
- (2) For subsection (1), it does not matter whether the disclosure of the information matter to the person—
- (a) is made by a person of whom an information requirement is made or another disclosure recipient; or
 - (b) is made lawfully or otherwise.

Note—

A disclosure recipient may be an authorised person, or an unauthorised person, for the information matter that is disclosed to the disclosure recipient.

- (3) However, a person to whom an information matter is disclosed is not a *disclosure recipient* if the disclosure is made to the person—
- (a) because the person is a police officer mentioned in any of the following sections—
 - (i) section 8AE(2);
 - (ii) section 8AF(3), definition *relevant matters*, paragraph (h) or (i);
 - (iii) section 8AN(3), definition *relevant matters*, paragraph (j) or (k); or
 - (b) for the purpose of receiving or investigating a complaint to a State police officer or the Crime and Corruption Commission.

Subdivision 2 Information requirements

8AE Making of information requirement

- (1) This section applies if, during the period of an emergency situation, the emergency commander is satisfied on reasonable grounds that—
- (a) a person may be able to give information that is necessary to manage or resolve the emergency situation; and

[s 8AE]

Examples of persons who may be able to give information that is necessary to manage or resolve the emergency situation—

- a designated person under the *Hospital and Health Boards Act 2011*, part 7
 - a person who is responsible for a biometric identification system
- (b) it is not practicable, in the circumstances of the emergency situation, to obtain the information from the person other than under this subdivision.
- (2) The emergency commander or a police officer acting on the emergency commander's instructions may require the person to give the information to—
- (a) the emergency commander or police officer; or
 - (b) another police officer, who may be described by name or by reference to an officer performing a stated function.
- (3) A requirement under subsection (2) is an ***information requirement***.
- (4) An information requirement—
- (a) must be made by written notice; or
 - (b) if it is not reasonably practicable in the circumstances to give written notice—may be made orally, but must be confirmed in writing as soon as reasonably practicable after it is made.

Example—

Because the information is required urgently, the police officer does not have time to return to the station to complete a written notice.

- (5) An information requirement may require the person to give the information—
- (a) either—
 - (i) if it would be reasonable in the circumstances to require the person to give the information immediately—immediately; or

- (ii) otherwise—by a stated reasonable time and in a stated reasonable way; or

Examples of a reasonable way in which the information may be required to be given—

- telephoning a stated telephone number to give the information by telephone
- emailing a document to a stated email address

- (b) by attending at a stated reasonable time and place to answer questions or produce documents.

- (6) Also, an information requirement may require the person to give the information on an ongoing basis during the period of the emergency situation.

- (7) However, the emergency commander or police officer may not under this section require the person to give the information if the emergency commander or police officer reasonably suspects the person has committed an indictable offence that is directly related to the emergency situation.

Note—

See the *Police Powers and Responsibilities Act 2000* for the powers to question a person suspected of having committed an indictable offence.

- (8) For information that is included in an electronic document, compliance with the information requirement requires—

- (a) the giving of a clear image or written version of the electronic document; or
- (b) the giving of the information in a format that is able to be accessed by the emergency commander or police officer.

Example—

giving a digital file of CCTV footage that is able to be played on a computer

- (9) If the information requirement is current at the end of the declaration of the emergency situation, the information requirement ends.

- (10) In this section—

electronic document means a document of a type under the *Acts Interpretation Act 1954*, schedule 1, definition *document*, paragraph (c).

8AF Person to be informed of relevant matters

- (1) If an information requirement is made of a person by written notice, the notice must state the relevant matters.
- (2) If an information requirement is made of a person orally, the emergency commander or a police officer acting on the emergency commander's instructions must, when making the requirement of the person, tell the person the relevant matters.
- (3) In this section—

relevant matters, in relation to an information requirement that is made of a person, means each of the following—

- (a) an emergency situation has been declared to exist;
- (b) it is an offence for the person not to comply with the information requirement unless the person has a reasonable excuse;
- (c) it is a reasonable excuse for the person not to give the information if—
 - (i) for an individual—giving the information might tend to incriminate the individual or expose the individual to a penalty; or
 - (ii) the information is the subject of legal professional privilege;
- (d) it is an offence for the person to give information the person knows is false or misleading in a material particular unless, when giving information in a document, the person—
 - (i) tells the police officer to whom the information is given, to the best of the person's ability, how the document is false or misleading; and

- (ii) if the person has, or can reasonably obtain, the correct information—gives the correct information;
- (e) it is an offence for the person to disclose an information matter to an unauthorised person for the information matter unless the person has a reasonable excuse;
- (f) the maximum penalty for committing an offence in relation to the information requirement, with and without a circumstance of aggravation;
- (g) the name, rank, registered number and station of the emergency commander or police officer making the information requirement;
- (h) the contact details of a police officer who may be contacted about the information requirement;

Examples of a police officer who may be contacted about the information requirement—

- a stated police officer
- a police officer performing a stated function
- (i) if the person wishes to disclose an information matter to another person, the person may ask the emergency commander or police officer, or the police officer mentioned in paragraph (h), to give the other person a disclosure notice authorising the disclosure of the information matter to the other person for a stated purpose;
- (j) a police officer may give the person a written notice under section 8AK, including by email from a Queensland Police Service email account, stating that the person is no longer prohibited from disclosing an information matter to other persons;
- (k) if, during the period of the emergency situation, the person is not given a notice mentioned in paragraph (j), a police officer will inform the person when the emergency situation has ended.

8AG Offence to contravene information requirement

- (1) A person of whom an information requirement is made must comply with the information requirement unless the person has a reasonable excuse.

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

- (2) It is a reasonable excuse for the person not to give the information if—
- (a) for an individual—giving the information might tend to incriminate the individual or expose the individual to a penalty; or
 - (b) the information is the subject of legal professional privilege.
- (3) Subsection (2) does not limit what is a reasonable excuse.
- (4) It is a defence to a prosecution for an offence against subsection (1) for the person to prove the person—
- (a) could not reasonably comply with the information requirement within the period stated in the requirement; and
 - (b) took reasonable steps to comply with the information requirement; and
 - (c) gave the information sought under the information requirement as soon as practicable after the period for compliance stated in the requirement.
- (5) Subsection (1) applies despite any requirement to maintain confidentiality or other restriction on giving the information, whether imposed under an Act or a rule of law, unless the Act expressly overrides this section.

Note—

See section 8AQ for the person's protection from liability for giving the information.

- (6) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
- (a) intends to—

-
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
- (b) knows that, or is reckless as to whether, the person's noncompliance with the information requirement is likely to—
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8AH Offence to give false or misleading information

- (1) A person of whom an information requirement is made must not give the nominated officer information the person knows is false or misleading in a material particular.

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

- (2) Subsection (1) does not apply to a person if the person, when giving information in a document—
- (a) tells the nominated officer, to the best of the person's ability, how the document is false or misleading; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- (3) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
- (a) intends to—

[s 8AI]

- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
- (b) knows that, or is reckless as to whether, giving the false or misleading information is likely to—
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

- (4) In this section—

nominated officer, in relation to a person of whom an information requirement is made, means the police officer to whom the person is required to give the information under the information requirement.

Note—

See section 8AE(2) for the police officers to whom a person may be required to give the information under an information requirement.

Subdivision 3 Restrictions on disclosing information matter to unauthorised persons

8AI Offence for person to disclose information matter to unauthorised person

- (1) During the period of an emergency situation, a person of whom an information requirement has been made must not,

without reasonable excuse, disclose an information matter to an unauthorised person for the information matter.

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

- (2) However, the person does not commit an offence against subsection (1) if—
- (a) the person has been given a notice under section 8AK in relation to the information matter; or
 - (b) the disclosure is made for the purpose of making a complaint to a State police officer or the Crime and Corruption Commission.
- (3) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
- (a) intends to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
 - (b) knows that, or is reckless as to whether, the disclosure of the information matter is likely to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8AJ Offence for disclosure recipient to disclose information matter to unauthorised person

- (1) During the period of an emergency situation, a disclosure recipient must not, without reasonable excuse—
- (a) if the disclosure recipient is an authorised person for an information matter—disclose the information matter to an unauthorised person for the information matter; or
 - (b) if the disclosure recipient is an unauthorised person for an information matter—disclose the information matter to another unauthorised person for the information matter, knowing that, or being reckless as to whether, the person to whom the disclosure is made is an unauthorised person.

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

- (2) However, the disclosure recipient does not commit an offence against subsection (1) if—
- (a) the disclosure recipient has been given a notice under section 8AK in relation to the information matter; or
 - (b) the disclosure is made for the purpose of making a complaint to a State police officer or the Crime and Corruption Commission.
- (3) Also, the disclosure recipient does not commit an offence against subsection (1)(a) by disclosing to a person of whom an information requirement has been made—
- (a) the fact the information requirement has been made of the person; or
 - (b) the nature of the information sought under the information requirement.
- (4) A disclosure recipient commits a crime if the disclosure recipient commits an offence against subsection (1) in circumstances where the disclosure recipient—
- (a) intends to—

-
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
- (b) knows that, or is reckless as to whether, the disclosure of the information matter is likely to—
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8AK Notice that person released from prohibition on disclosing information matter

- (1) This section applies if, at any time during the period of an emergency situation, the emergency commander reasonably considers it will not prejudice the effective management or resolution of the emergency situation if—
 - (a) a person of whom an information requirement is made discloses an information matter; or
 - (b) a person who is a disclosure recipient discloses an information matter.
- (2) The emergency commander or a police officer acting on the emergency commander's instructions may give the person a written notice stating that the person is no longer prohibited from disclosing the information matter to other persons.

Note—

Section 8AI or 8AJ applies to the person if the person has not been given a notice under this section.

[s 8AL]

- (3) The written notice may be given to the person—
 - (a) by email, but only if it is sent from a Queensland Police Service email account; or
 - (b) in a written notice making an information requirement of the person; or
 - (c) in another appropriate way.

Subdivision 4 Disclosure notices

8AL Request for disclosure notice to be given

- (1) This section applies to a person who—
 - (a) is either—
 - (i) a person of whom an information requirement is made; or
 - (ii) a disclosure recipient; and
 - (b) during the period of an emergency situation, wishes to disclose an information matter to another person; and
 - (c) has not been given a notice under section 8AK in relation to the information matter.
- (2) The person may ask a relevant officer to give a stated person a notice (a *disclosure notice*) authorising the disclosure of the information matter to the stated person for a stated purpose.
- (3) The stated purpose must be—
 - (a) for disclosure by a person of whom an information requirement is made—
 - (i) to obtain the help of the other person in order to comply with the information requirement; or
 - (ii) if the information requirement concerns work-related information for the person—to inform the employer, or a manager, of the person

- that the information requirement has been made of the person; or
- (iii) to seek legal advice in relation to the information requirement, including about an offence against this division; or
- (b) for disclosure by a disclosure recipient—
- (i) to obtain the help of the other person in order to help the person of whom the information requirement is made comply with the information requirement; or
 - (ii) if the information requirement concerns work-related information for the person of whom it is made and the disclosure recipient is a manager of the person—to inform the employer, or a manager, of the disclosure recipient that the information requirement has been made of the person; or
 - (iii) to seek legal advice in relation to the information requirement, including about an offence against this division.
- (4) In this section—
- relevant officer*** means—
- (a) the emergency commander; or
 - (b) a police officer acting on the emergency commander's instructions; or
 - (c) if the request under subsection (2) is made by a person of whom an information requirement is made—a police officer mentioned in section 8AF(3), definition *relevant matters*, paragraph (h) whose contact details have been given to the person; or
 - (d) if the request under subsection (2) is made by a disclosure recipient who is an authorised person for the information matter—a police officer mentioned in section 8AN(3), definition *relevant matters* paragraph

(j) whose contact details have been given to the disclosure recipient.

8AM Obligation to give, or to refuse to give, disclosure notice

- (1) This section applies if a request is made under section 8AL to a relevant officer to give a stated person a disclosure notice.
- (2) The relevant officer must give the stated person a disclosure notice unless the officer reasonably suspects that giving the notice might prejudice the effective management or resolution of the emergency situation.
- (3) The disclosure notice may be given in writing or orally.
- (4) The giving of the disclosure notice does not affect the time by which the person of whom the information requirement is made must comply with the information requirement.

Example—

An information requirement is made of a person and, under section 8AE(5)(a)(i), requires the person to give the information immediately. The person asks for a disclosure notice to be given to the person's lawyer to seek legal advice in relation to the information requirement. The obligation under subsection (2) for the relevant officer to give the person's lawyer a disclosure notice does not affect the person's obligation under section 8AG to comply with the information requirement by giving the information immediately.

- (5) If the relevant officer reasonably suspects that giving the stated person a disclosure notice might prejudice the effective management or resolution of the emergency situation, the officer must decide to refuse the request.

8AN Person to be informed of relevant matters

- (1) If a disclosure notice is given in writing, the notice must state the relevant matters.
- (2) If a disclosure notice is given orally, the relevant officer must, when giving the notice, tell the person to whom it is given the relevant matters.
- (3) In this section—

relevant matters, in relation to a disclosure notice given to a person (the *stated person*), means each of the following—

- (a) an emergency situation has been declared to exist;
- (b) an information requirement has been made of the person mentioned in section 8AL(1)(a)(i);
- (c) it is an offence for the person of whom the information requirement is made not to comply with the information requirement unless the person has a reasonable excuse;
- (d) it is an offence for the person of whom the information requirement is made to give information the person knows is false or misleading in a material particular unless, when giving information in a document, the person—
 - (i) tells the police officer to whom the information is given, to the best of the person's ability, how the document is false or misleading; and
 - (ii) if the person has, or can reasonably obtain, the correct information—gives the correct information;
- (e) it is an offence for the person of whom the information requirement is made to disclose an information matter to an unauthorised person for the information matter unless the person has a reasonable excuse;
- (f) the person of whom the information requirement is made, or a disclosure recipient, has been authorised to disclose an information matter to the stated person for the purpose of—
 - (i) either—
 - (A) for disclosure by the person of whom the information requirement is made—obtaining the help of the stated person in order to comply with the information requirement; or
 - (B) for disclosure by a disclosure recipient—obtaining the help of the stated person in order to help the person of whom

the information requirement is made comply with the information requirement; or

- (ii) informing the stated person, as the employer, or a manager, of the person of whom the information requirement is made, or of the disclosure recipient, that the information requirement has been made and concerns work-related information for the person of whom it is made; or
 - (iii) seeking legal advice in relation to the information requirement, including about an offence against this division;
- (g) it is an offence for the stated person to disclose the information matter to an unauthorised person for the information matter unless the stated person has a reasonable excuse;
 - (h) the maximum penalty for disclosing the information matter to an unauthorised person for the information matter, with and without a circumstance of aggravation;
 - (i) the name, rank, registered number and station of the police officer giving the disclosure notice;
 - (j) the contact details of a police officer who may be contacted about the information requirement or disclosure notice;

Examples of a police officer who may be contacted about the information requirement or disclosure notice—

- a stated police officer
 - a police officer performing a stated function
- (k) if the stated person wishes to disclose the information matter to another person, the stated person may ask the emergency commander, the police officer giving the disclosure notice or the police officer mentioned in paragraph (j) to give the other person a disclosure notice authorising the disclosure of the information matter to the other person for a stated purpose;

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- (l) a police officer may give the stated person a written notice under section 8AK, including by email from a Queensland Police Service email account, stating that the person is no longer prohibited from disclosing the information matter to other persons;
 - (m) if, during the period of the emergency situation, the person is not given a notice mentioned in paragraph (l), a police officer will inform the stated person when the emergency situation has ended.

8AO Procedure if disclosure notice is given

- (1) If a disclosure notice is given under section 8AM(2), the relevant officer must—
 - (a) if the notice is given in writing—give a copy of the notice to the person who requested the giving of the notice; or
 - (b) if the notice is given orally—tell the person who requested the giving of the notice that the notice has been given.
- (2) Also, the relevant officer must, as soon as reasonably practicable after the disclosure notice is given, make a written record under subsection (3) or (4).
- (3) If the disclosure notice is given in writing, the written record must state—
 - (a) the date and time the notice is given; and
 - (b) the date and time a copy of the notice is given to the person who requested the giving of the notice.
- (4) If the disclosure notice is given orally, the written record must state—
 - (a) the name of the person to whom the notice is given; and
 - (b) the date and time the notice is given; and
 - (c) the date and time the person who requested the giving of the notice is told the notice has been given.

8AP Procedure if disclosure notice is refused

- (1) This section applies if a relevant officer decides under section 8AM(5) to refuse a person's request to give a stated person a disclosure notice.
- (2) As soon as reasonably practicable after making the decision, the relevant officer must—
 - (a) inform the person who made the request that—
 - (i) the request is refused; and
 - (ii) if the stated purpose of the request was a purpose mentioned in section 8AL(3)(a)(iii) or (b)(iii)—the person may ask that a disclosure notice authorising the disclosure of the information matter be given to another stated person for that purpose; and
 - (b) make a written record of—
 - (i) the decision to refuse the request; and
 - (ii) the date and time of the decision; and
 - (iii) the grounds forming the basis of the suspicion mentioned in section 8AM(5).
- (3) The information required to be given under subsection (2)(a) may be given orally or in writing.

Subdivision 5 Other matters

8AQ Protection from liability for giving information

- (1) This section applies to a person who, acting honestly and without negligence, gives information under an information requirement that is made of the person.
- (2) This section also applies to a person if—
 - (a) the person, acting honestly and without negligence, gives information to—

- (i) a person of whom an information requirement is made to help the person comply with the requirement; or
 - (ii) a disclosure recipient to help the disclosure recipient help a person of whom an information requirement is made comply with the requirement; and
- (b) when the information is given—
 - (i) the person is an authorised person for an information matter relating to the person of whom the information requirement is made; or
 - (ii) the person to whom the information is given has been given a notice under section 8AK.
- (3) The person is not liable, civilly, criminally or under an administrative process, for giving the information.
- (4) Also, merely because the person gives the information, the person can not be held to have—
 - (a) breached any code of professional etiquette or ethics; or
 - (b) departed from accepted standards of professional conduct.
- (5) Without limiting subsections (3) and (4)—
 - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - (b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—
 - (i) does not contravene the Act, oath or rule of law or practice by giving the information; and
 - (ii) is not liable to disciplinary action for giving the information.

8AR Persons to be informed that emergency situation has ended

- (1) As soon as practicable after the declaration of an emergency situation ends, the emergency commander must ensure each relevant person is informed that—
 - (a) the emergency situation has ended; and
 - (b) the relevant person is no longer prohibited from disclosing an information matter to other persons.
- (2) Subsection (1) does not apply if, during the period of the emergency situation, the relevant person has been given a notice under section 8AK.
- (3) In this section—

relevant person means—

 - (a) a person of whom an information requirement was made during the period of the emergency situation; or
 - (b) a person to whom a disclosure notice was given during the period of the emergency situation.

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.

8BA Appointment of TERC commander

- (1) This section applies if—
 - (a) a terrorist emergency has been declared under section 8G(1); and
 - (b) the terrorist emergency commander is satisfied on reasonable grounds that it is or may be necessary to establish a terrorist emergency reception centre outside the declared area.

- (2) The terrorist emergency commander may appoint an appropriately qualified police officer to be the TERC commander for the terrorist emergency.

8C Function and powers 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) a terrorist emergency forward commander about the performance of functions and the exercise of powers under this Act by the terrorist emergency forward commander; or
 - (b) a TERC commander about the performance of functions and the exercise of powers under this Act by the TERC commander.
- (3) The terrorist emergency forward commander or TERC 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 a TERC commander and, for that purpose—
 - (a) a reference in this Act to a terrorist emergency forward commander includes a reference to the terrorist emergency commander; and
 - (b) a reference in this Act to a TERC 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 and powers 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 section 7A and part 2, divisions 2 and 3.
- (3) For subsection (2), in section 7A and part 2, divisions 2 and 3—
 - (a) a reference to the emergency situation certificate includes a reference to the terrorist emergency certificate; and
 - (b) a reference to an emergency situation includes a reference to a terrorist emergency; and
 - (c) a reference to the emergency commander includes a reference to the terrorist emergency forward commander.

[s 8F]

- (4) For the purpose of the powers of a police officer acting on the terrorist emergency forward commander's instructions, a reference in part 2, division 2 or 3 to a police officer acting on the emergency commander's instructions includes a reference to a police officer acting on the terrorist emergency forward commander's instructions.
- (5) Subsections (2) to (4) do not limit other powers of the terrorist emergency forward commander or of a police officer acting on the commander's instructions.
- (6) 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.

8FA Function and powers of TERC commander

- (1) The TERC commander appointed for a terrorist emergency is responsible for—
 - (a) the management and control of each declared evacuation area declared by the TERC commander under section 8GA; and
 - (b) if a terrorist emergency reception centre is established in a declared evacuation area—the reception, identification and assessment of persons at the centre.
- (2) The TERC commander has, for the commander’s function in relation to a terrorist emergency, the powers an emergency commander has for an emergency situation under section 7A and part 2, divisions 2 and 3.
- (3) For subsection (2), in section 7A and part 2, divisions 2 and 3—
 - (a) a reference to the emergency situation certificate includes a reference to the terrorist emergency evacuation certificate; and
 - (b) a reference to an emergency situation includes a reference to a terrorist emergency; and
 - (c) a reference to the emergency commander includes a reference to the TERC commander.
- (4) For the purpose of the powers of a police officer acting on the TERC commander’s instructions, a reference in part 2, division 2 or 3 to a police officer acting on the emergency commander’s instructions includes a reference to a police officer acting on the TERC commander’s instructions.
- (5) Subsections (2) to (4) do not limit other powers of the TERC commander or of a police officer acting on the TERC commander’s instructions.
- (6) However, the powers conferred under this section are subject to section 8PB.

8FB TERC commander's power to delegate

- (1) This section applies only for a period for which the TERC commander is not acting as the TERC commander.
- (2) The TERC 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 evacuation certificate under section 8GA(4).
- (4) For each delegation, the TERC commander must attach to the terrorist emergency evacuation certificate a copy of a 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 Declarations

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.

Examples—

- an area within a stated distance of a stated moving motor vehicle or vessel
 - an area within a stated distance of a stated person who is on foot, in a moving motor vehicle or vessel or moving in another way
- (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 date and time 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—
- (a) amending their description on the terrorist emergency certificate; and
 - (b) noting the date and time of the amendment on the terrorist emergency certificate.
- (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 any 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;

[s 8GA]

- (b) the Minister and the Premier extend the period of the declaration under section 8H;
- (c) a regulation made under section 8HA extends the period of the declaration.

8GA Evacuation areas may be declared

- (1) This section applies if, during the period of a terrorist emergency, the TERC commander appointed for the emergency is satisfied on reasonable grounds that the terrorist emergency powers are necessary to manage and control—
 - (a) the evacuation of persons from a declared area; or
 - (b) the reception, identification and assessment of persons at a terrorist emergency reception centre established outside a declared area.
- (2) The TERC commander may declare 1 or more of the following (each a *declared evacuation area*) for the terrorist emergency—
 - (a) a stated area, outside a declared area, in which a terrorist emergency reception centre has been, or is to be, established for the terrorist emergency;
 - (b) if persons evacuate from a declared area to a place other than the terrorist emergency reception centre—a stated area, outside the declared area, that includes the place to which the persons evacuate;
 - (c) a stated area that includes the route for the evacuation of persons from a declared area, or a declared evacuation area mentioned in paragraph (b), to the terrorist emergency reception centre;
 - (d) a vehicle used to transport persons from a declared area, or a declared evacuation area mentioned in paragraph (b), to the terrorist emergency reception centre and a stated area surrounding the vehicle.

Examples—

- a bus with a stated registration number and an area within a stated distance of the bus

- a stated vessel and an area within a stated distance of the vessel
- (3) A stated area for subsection (2)(a) to (d) must be the smallest area reasonably necessary to effectively manage—
 - (a) the evacuation of persons from a declared area or declared evacuation area; or
 - (b) the reception, identification and assessment of persons at the terrorist emergency reception centre or other place to which the persons evacuate.
 - (4) As soon as practicable after making a declaration under subsection (2), the TERC commander must issue a certificate (*a terrorist emergency evacuation certificate*) signed by the commander stating—
 - (a) each declared evacuation area; and
 - (b) the date and time the declaration was made.
 - (5) The TERC commander may at any time change a declared evacuation area by—
 - (a) amending its description on the terrorist emergency evacuation certificate; and
 - (b) noting the date and time of the amendment on the terrorist emergency evacuation certificate.
 - (6) Unless the TERC commander ends a declaration made under subsection (2) sooner, the declaration ends when the declaration of the terrorist emergency ends.
 - (7) In this section—

vehicle includes vessel, aircraft or railway rolling stock.

8H Extension of terrorist emergency beyond 7 days

- (1) This section applies if the Minister and the Premier are satisfied, in relation to a terrorist emergency, that it is necessary for police officers to continue to exercise terrorist emergency powers beyond the current period of the terrorist emergency to protect—

[s 8HA]

- (a) life or health at serious risk; or
 - (b) critical infrastructure.
- (2) Before the current period of the terrorist emergency ends, the Minister and the Premier may extend the period of the terrorist emergency by 1 or more periods of not more than 7 days each.
- (3) However, an extension may not be made under subsection (2) if the total period of the terrorist emergency, including the extension and each other extension already made under this section or section 8HA, would be more than 28 days.

8HA Extension of terrorist emergency beyond 28 days

- (1) A regulation may extend, or further extend, the period of a terrorist emergency.
- (2) A regulation made under this section commences on the day it is made whether or not it is notified on that day.
- (3) Also, a regulation made under this section—
- (a) must state the period, of not more than 14 days, by which the terrorist emergency is extended; and
 - (b) expires at the end of the stated period unless it is sooner repealed or expires under section 8I(3).
- (4) Subsection (2) applies despite the *Statutory Instruments Act 1992*, section 32.

8I Relevant person must end terrorist emergency in particular circumstances

- (1) A relevant person must end the terrorist emergency as soon as the relevant person is satisfied it is no longer necessary for police officers to continue to exercise terrorist emergency powers to protect—
- (a) life or health at serious risk; or
 - (b) critical infrastructure.

-
- (2) If a relevant person ends a terrorist emergency, the terrorist emergency forward commander must as soon as practicable—
 - (a) inform police officers of the ending; and
 - (b) notify the date and time of the ending by gazette notice; and
 - (c) comply with section 8J.
 - (3) A regulation made under section 8HA expires when the terrorist emergency ends.
 - (4) In this section—

relevant person means the terrorist emergency commander, the Minister or the Premier.

8J Dealing with certificates at end of terrorist emergency

- (1) This section applies when a terrorist emergency ends.
- (2) The terrorist emergency forward commander must note the date and time of the ending on the terrorist emergency certificate.
- (3) The commissioner must keep the terrorist emergency certificate and any terrorist emergency evacuation certificate for at least 6 years after the ending of the terrorist emergency.

Division 2 Exercise of powers

Subdivision 1 Terrorist emergency officer powers for declared areas

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 under section 8M only if the officer is satisfied that giving a person a direction under that section is necessary—
 - (a) for the safety of the person or another person; or
 - (b) to effectively manage the evacuation of the person to a declared evacuation area; or
 - (c) to effectively receive, identify or assess the person; or
 - (d) otherwise to effectively deal with the terrorist emergency.
- (2) A terrorist emergency officer may exercise a terrorist emergency power under a section other than section 8M only if the officer is satisfied the exercise of the power is necessary to effectively deal with the terrorist emergency.
- (3) Also, a terrorist emergency officer may exercise a terrorist emergency power only during the period of the terrorist emergency.
- (4) A terrorist emergency officer exercising a terrorist emergency power may use the force that is reasonably necessary.

8M Power to control movement of persons

- (1) This section applies to a person—
 - (a) who is in a declared area; or
 - (b) who a terrorist emergency officer reasonably suspects is about to enter a declared area.
- (2) A terrorist emergency officer may direct the person—
 - (a) not to enter the declared area or a stated place in the declared area; or

- (b) to go to, or stay at or in, a stated place in the declared area; or
 - (c) to go to, and stay at or in, a stated declared evacuation area.
- (3) When the relevant commander is satisfied a direction given under subsection (2) is no longer reasonably necessary for a purpose mentioned in section 8L(1), the commander must ensure the direction is withdrawn.
 - (4) A person given 1 or more directions under subsection (2) 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 given under subsection (2) is not an enforcement act for the purposes of the *Police Powers and Responsibilities Act 2000*.
 - (6) In this section—
relevant commander means—
 - (a) for a direction given under subsection (2)(a) or (b)—the terrorist emergency forward commander; or
 - (b) for a direction given under subsection (2)(c)—the TERC commander.

8N Power to search a person without a warrant

- (1) A terrorist emergency officer may, without a warrant, 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 recently left, a declared area for the terrorist emergency.
- (2) The terrorist emergency officer may seize all or part of a thing if the officer reasonably suspects—
 - (a) the thing may provide evidence of the commission of an offence; or

- (b) the person may use the thing to cause harm to the person 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, address and date of birth

- (1) A terrorist emergency officer may require a person to state the person's correct name, address and date of birth if the person is about to enter, is in or if the terrorist emergency officer reasonably suspects the person has recently 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, address and date of birth 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, address and date of birth or to otherwise be able to give the evidence.
- (3) In this section—
address means current place of residence.

8P Power to search vehicle without warrant

- (1) A terrorist emergency officer may, without a warrant, do any of the following if a vehicle is about to enter or is in, or the officer reasonably suspects the vehicle has recently left, a declared area for the terrorist emergency—
 - (a) stop the vehicle;
 - (b) detain the vehicle and the occupants of the vehicle;

- (c) search the vehicle and anything in it for anything relevant to the terrorist emergency.
- (2) The terrorist emergency officer may seize all or part of a thing if the officer reasonably suspects—
 - (a) the thing may provide evidence of the commission of an offence; or
 - (b) a person may use the thing to cause harm to the person 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 is an enforcement act under the *Police Powers and Responsibilities Act 2000*.
- (5) In this section—
vehicle includes vessel, aircraft or railway rolling stock.

Subdivision 1A Terrorist emergency officer powers for declared evacuation areas

8PA Definition for subdivision

In this subdivision—

terrorist emergency officer means—

- (a) the TERC commander; or
- (b) a police officer acting on the TERC commander's instructions.

8PB Grounds for exercise of power

- (1) A terrorist emergency officer may exercise a terrorist emergency power under section 8PC only if the officer is satisfied that giving a person a direction under that section is necessary—

[s 8PC]

- (a) for the safety of the person or another person; or
 - (b) to effectively manage the evacuation of the person to a declared evacuation area; or
 - (c) to effectively receive, identify or assess the person; or
 - (d) otherwise to effectively deal with the terrorist emergency.
- (2) A terrorist emergency officer may exercise a terrorist emergency power under a section other than section 8PC only if the officer is satisfied the exercise of the power is necessary to effectively deal with the terrorist emergency.
- (3) Also, a terrorist emergency officer may exercise a terrorist emergency power only during the period of the terrorist emergency.
- (4) A terrorist emergency officer exercising a terrorist emergency power may use the force that is reasonably necessary.

8PC Power to control movement of persons

- (1) This section applies to a person—
- (a) who is in a declared evacuation area; or
 - (b) who a terrorist emergency officer reasonably suspects is about to enter a declared evacuation area.
- (2) A terrorist emergency officer may direct the person—
- (a) not to enter the declared evacuation area or a stated place in the declared evacuation area; or
 - (b) to go to, or stay at or in, a stated place in the declared evacuation area; or
 - (c) to go to, and stay at or in, another stated declared evacuation area.
- (3) When the TERC commander is satisfied a direction given under subsection (2) is no longer reasonably necessary for a purpose mentioned in section 8PB(1), the commander must ensure the direction is withdrawn.

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- (4) A person given 1 or more directions under subsection (2) 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 given under subsection (2) is not an enforcement act under the *Police Powers and Responsibilities Act 2000*.

8PD Application of particular provisions to terrorist emergency officer

Sections 8N to 8P apply to a terrorist emergency officer as if—

- (a) a reference in the sections to a terrorist emergency officer were a reference to a terrorist emergency officer under this subdivision; and
- (b) a reference in the sections to a declared area were a reference to a declared evacuation area.

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 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 or declared evacuation areas stated in the direction.
- (4) The direction may apply to more than 1 terrorist emergency.

[s 8R]

- (5) The government agency must be consulted before the direction is given, unless it is not practicable to consult the agency because compliance with the direction—
 - (a) is required urgently; or
 - (b) is necessary for the safety of the officer to whom the direction is given or someone else.
- (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) This section does not limit the powers a terrorist emergency commander or terrorist emergency officer has under this or another Act.

Example of powers that are not limited by this section—

the powers under section 8 to give a person a resource surrender direction, resource operator direction or help direction

- (10) 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 3 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 7A, 8F or 8FB, 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

[s 8T]

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.

Part 3 Chemical, biological and radiological emergencies

Division 1 Preliminary

9 Parliament's intention

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

- (a) only if—
 - (i) something has happened in which a CBR substance is involved; and
 - (ii) the nature of the particular substance requires the exercise by emergency responders of the powers under this part in addition to powers otherwise available to emergency responders under this or any other Act; and

- (b) only for so long as the exercise of the additional powers in the particular circumstances is necessary to ensure the chemical, biological or radiological substance involved does not pose a serious risk to the life or health of individuals.

11 CBR emergency powers and powers under other Acts

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

Examples of other persons—

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

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

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

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

Example 1—

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

Example 2—

If the CBR emergency involves an outbreak of an animal disease, the CBRE commander may direct an authorised officer under the *Biosecurity Act 2014* to delay exercising particular powers until the commander considers it is appropriate in the circumstances for the powers to be exercised.

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

[s 12]

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

Division 2 Declaring, extending and ending CBR emergencies

12 CBR emergency may be declared

- (1) A State police officer of at least the rank of assistant commissioner may declare an emergency (*CBR emergency*) if satisfied—
 - (a) something has happened in which a CBR substance is involved (an *incident*); and
 - (b) the substance poses a serious risk to the life or health of individuals; and
 - (c) the substance may spread if not contained; and
 - (d) a significant coordinated effort by emergency responders is necessary to adequately respond to the incident; and
 - (e) using powers available to an 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.

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- (5) As soon as practicable after declaring the CBR emergency, the CBRE commander must make a written record of the date and time 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;

[s 14]

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

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

14 Extension of CBR emergency beyond 7 days

- (1) A regulation may extend, or further extend, the period of a CBR emergency.
- (2) A regulation made for the purposes of this section commences on the day it is made whether or not it is notified on that day.
- (3) Also, a regulation extending the period of a CBR emergency expires 14 days after the start of the initial period of the emergency unless it is sooner repealed or expires under section 15(4).
- (4) In addition, a regulation further extending the period of a CBR emergency must state the period, of not more than 14 days, by which the emergency is extended.
- (5) Subsection (2) applies 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.

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- (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.

Notes—

- 1 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.
 - 2 The CBRE commander also has powers to give directions under section 17(2).
- (2) For subsection (1)(b), a reference in section 7A or part 2, division 2 or 3 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.
- (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.

[s 30]

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

30 Refusal of medical treatment

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

Example—

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

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

31 Power to give particular directions

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

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

Division 5 Provisions about detention

Subdivision 1 Detention powers

32 Power to detain

- (1) The CBRE 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

[s 36]

- 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.
- (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.
- (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—
 - (i) the nature of the CBR emergency, when and why the emergency was declared, and when it ended; and
 - (ii) if the CBR emergency was extended, why it was extended; and
 - (iii) the CBR emergency powers relied on, why they were relied on; and
 - (iv) who authorised emergency responders to exercise the CBR emergency powers relied on, who was authorised to exercise the powers, and how they were used; and
 - (v) if any CBR emergency powers were delegated under section 7A or 19(5), why, and to whom, the powers were delegated; and
 - (b) may include anything else the Minister considers appropriate.

Part 3A **Relationship between emergencies**

43A **Emergency situation**

- (1) An emergency situation may be declared to exist even though a terrorist emergency or CBR emergency has been declared to exist for all or part of the same situation.
- (2) However, the emergency situation has no effect for the area for which the terrorist emergency has been declared to exist or to the extent to which the CBR emergency has been declared to exist.
- (3) If a terrorist emergency is declared to exist for all or part of an area for which an emergency situation has been declared to exist, the emergency situation is of no effect for the area or part.
- (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 1 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) TERC commander;
 - (e) 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.

[s 45]

- (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, 2A or 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 under a resource surrender direction given under part 2, 2A or 3; 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 terrorist emergency—28 days after the day the terrorist emergency ends; or
 - (c) 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—

[s 47A]

- (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; or
- (i) a terrorist emergency commander; or
- (j) a terrorist emergency forward commander; or
- (k) a TERC commander; or
- (l) the commissioner to the extent the commissioner exercises the powers of a person mentioned in paragraph (i), (j) or (k); or
- (m) the deputy commissioner to the extent the deputy commissioner exercises the powers of a person mentioned in paragraph (i), (j) or (k); or
- (n) a police officer acting on the instructions of a person mentioned in paragraph (f), (i), (j), (k), (l) or (m); or
- (o) a police officer mentioned in section 8AF(3), definition *relevant matters*, paragraph (h) or 8AN(3), definition *relevant matters*, paragraph (j).

47A Proceedings for offences

- (1) An offence against this Act, other than against section 8AG(6), 8AH(3), 8AI(3) or 8AJ(4), is a summary offence.

Note—

An offence against section 8AG(6), 8AH(3), 8AI(3) or 8AJ(4) is a crime.

-
- (2) Despite the *Justices Act 1886*, section 52(1), a proceeding for an offence against section 8AG(1), 8AH(1), 8AI(1) or 8AJ(1) may be started within 2 years after the matter of complaint arose if—
- (a) in relation to the matter of complaint—
 - (i) for a proceeding for an offence against section 8AG(1)—a proceeding was previously started for an offence against section 8AG(6); or
 - (ii) for a proceeding for an offence against section 8AH(1)—a proceeding was previously started for an offence against section 8AH(3); or
 - (iii) for a proceeding for an offence against section 8AI(1)—a proceeding was previously started for an offence against section 8AI(3); or
 - (iv) for a proceeding for an offence against section 8AJ(1)—a proceeding was previously started for an offence against section 8AJ(4); and
 - (b) the proceeding has been discontinued, or is to be discontinued, by the Attorney-General or the director of public prosecutions.

47B Use of information obtained under Act

- (1) Any information obtained under this Act, including, for example, information obtained under an information requirement under part 2, division 3 may be recorded, retained or used for the purpose of performing any function of the police service.
- (2) Subsection (1) applies despite any provision of an Act that restricts the recording, retention or use of the information, unless the Act expressly overrides this section.

Notes—

- 1 For the functions of the police service, see the *Police Service Administration Act 1990*, section 2.3.

- 2 For the restrictions on the disclosure of information by State police officers and other persons, see the *Police Service Administration Act 1990*, section 10.1.

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 terrorist emergency commander, the terrorist emergency forward commander, the TERC 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 document purporting to be a copy of a terrorist emergency certificate signed by a terrorist emergency forward commander under section 8G(4) is, on being produced in the proceeding, evidence of that certificate and of the matters stated in the certificate;
- (e) a document purporting to be a copy of a terrorist emergency evacuation certificate signed by a TERC commander under section 8GA(4) is, on being produced in the proceeding, evidence of that certificate and of the matters stated in the certificate;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) 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—section 8AE(4)(b), 8G(4) and (6) to (8), 8GA(4) or 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

authorised person, for an information matter, for part 2, division 3, see section 8AB.

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.

critical infrastructure means a physical facility, supply chain, information technology or communication network, if the destruction of or damage to the facility, chain, technology or network, or its unavailability for an extended period, would—

- (a) put at risk public health, safety or confidence in Queensland or elsewhere in Australia; or
- (b) have a significant impact on the economic wellbeing of the State, another State or the Commonwealth; or
- (c) impede the continuity of government or the provision of government services in Queensland or elsewhere in Australia; or
- (d) affect national security.

declared area see section 8G(1).

declared evacuation area see section 8GA(2).

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.

disclosure notice, for part 2, division 3, see section 8AL(2).

disclosure recipient, for part 2, division 3, see section 8AD.

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 or incident;

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, and includes a situation arising from any report in respect of any of the matters referred to in paragraphs (a) to (g) that 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.

emergency situation certificate see section 5(2).

employer, of a person, for part 2, division 3, see section 8AA.

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.

give, in relation to information, for part 2, division 3, see section 8AA.

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).

information, for part 2, division 3, see section 8AA.

information matter, for part 2, division 3, see section 8AA.

information requirement, for part 2, division 3, see section 8AE(3).

involved, in relation to a CBR substance, includes—

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

manager, of a person, for part 2, division 3, see section 8AA.

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.

period, of an emergency situation, means the period—

(a) starting when the emergency situation is declared to exist under section 5(1); and

(b) ending when the declaration is revoked under section 5(3).

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.

relevant officer, for part 2, division 3, see section 8AL(4).

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*.

TERC commander means a person appointed as a TERC commander under section 8BA(2).

Note—

TERC commander stands for terrorist emergency reception centre commander.

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 commander means a person appointed as a terrorist emergency commander under section 8A(2).

terrorist emergency evacuation certificate see section 8GA(4).

terrorist emergency forward commander means a person appointed as a terrorist emergency forward commander under section 8A(4) or 8B.

terrorist emergency officer—

- (a) for part 2A, division 2, subdivision 1—see section 8K; or
- (b) for part 2A, division 2, subdivision 1A—see section 8PA.

terrorist emergency powers means the powers conferred under part 2A for a terrorist emergency on—

- (a) the terrorist emergency forward commander or a police officer acting on the commander's instructions; or

Note—

See section 8E(2) to (4) and part 2A, division 2, subdivision 1.

- (b) the TERC commander or a police officer acting on the commander's instructions.

Note—

See section 8FA(2) to (4) and part 2A, division 2, subdivision 1A.

terrorist emergency reception centre means a place used, or to be used, to receive, identify and assess a person who—

- (a) is or may be a victim of, or witness to, a terrorist act; or
(b) has evacuated, or may need to evacuate, from a place that is, or is close to, a terrorist emergency site.

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

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

unauthorised person, for an information matter, for part 2, division 3, see section 8AC.

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

work-related information, for a person of whom an information requirement is made, for part 2, division 3, see section 8AA.

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

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

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

3 Table of reprints

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

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

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

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

Endnotes

Reprint No.	Amendments to	Effective	Reprint date
1B	2000 Act No. 5	1 July 2000	1 September 2000

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

Current as at	Amendments included	Notes
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	
29 August 2016	2016 Act No. 42	

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

Counter-Terrorism and Other Legislation Amendment Act 2016 No. 42 pts 1, 4, s 70 sch 1

date of assent 29 August 2016

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

amd 2016 No. 42 s 21

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

PART 2—EMERGENCY SITUATION**Division 1—Declarations and delegations**

div hdg ins 2016 No. 42 s 22

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; 2016 No. 42 ss 23, 70 sch 1

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

Delegation of power for particular periods

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

sub 2007 No. 34 s 11

amd 2016 No. 42 s 24

Delegation of power to require information

s 7A ins 2016 No. 42 s 25

Division 2—Powers for area in which emergency situation exists

div hdg ins 2016 No. 42 s 26

General powers

s 8 amd 1995 No. 58 s 4 sch 1; 2003 No. 46 s 8; 2007 No. 34 s 7 sch; 2016 No. 42 s 27

Division 3—Power to require information

div hdg ins 2016 No. 42 s 28

Subdivision 1—Preliminary

sdiv hdg ins 2016 No. 42 s 28

Definitions for division

s 8AA ins 2016 No. 42 s 28

Meaning of *authorised person*

s 8AB ins 2016 No. 42 s 28

Meaning of *unauthorised person*

s 8AC ins 2016 No. 42 s 28

Meaning of *disclosure recipient*

s 8AD ins 2016 No. 42 s 28

Subdivision 2—Information requirements

sdiv hdg ins 2016 No. 42 s 28

Making of information requirement

s 8AE ins 2016 No. 42 s 28

Person to be informed of relevant matters

s 8AF ins 2016 No. 42 s 28

Offence to contravene information requirement

s 8AG ins 2016 No. 42 s 28

Offence to give false or misleading information

s 8AH ins 2016 No. 42 s 28

Subdivision 3—Restrictions on disclosing information matter to unauthorised persons

sdiv hdg ins 2016 No. 42 s 28

Offence for person to disclose information matter to unauthorised person

s 8AI ins 2016 No. 42 s 28

Offence for disclosure recipient to disclose information matter to unauthorised person

s 8AJ ins 2016 No. 42 s 28

Notice that person released from prohibition on disclosing information matter
s 8AK ins 2016 No. 42 s 28

Subdivision 4—Disclosure notices
sdiv hdg ins 2016 No. 42 s 28

Request for disclosure notice to be given
s 8AL ins 2016 No. 42 s 28

Obligation to give, or to refuse to give, disclosure notice
s 8AM ins 2016 No. 42 s 28

Person to be informed of relevant matters
s 8AN ins 2016 No. 42 s 28

Procedure if disclosure notice is given
s 8AO ins 2016 No. 42 s 28

Procedure if disclosure notice is refused
s 8AP ins 2016 No. 42 s 28

Subdivision 5—Other matters
sdiv hdg ins 2016 No. 42 s 28

Protection from liability for giving information
s 8AQ ins 2016 No. 42 s 28

Persons to be informed that emergency situation has ended
s 8AR ins 2016 No. 42 s 28

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 hdg ins 2007 No. 34 s 12

Appointment of terrorist emergency commander and terrorist emergency forward commander
s 8A ins 2007 No. 34 s 12

Commissioner's or deputy commissioner's power to delegate
s 8B ins 2007 No. 34 s 12

Appointment of TERC commander
s 8BA ins 2016 No. 42 s 29

Function and powers of terrorist emergency commander
s 8C ins 2007 No. 34 s 12
amd 2016 No. 42 s 30

Terrorist emergency commander's power to delegate
s 8D ins 2007 No. 34 s 12

Function and powers of terrorist emergency forward commander

s **8E** ins 2007 No. 34 s 12
amd 2016 No. 42 s 31

Terrorist emergency forward commander's power to delegate

s **8F** ins 2007 No. 34 s 12

Function and powers of TERC commander

s **8FA** ins 2016 No. 42 s 32

TERC commander's power to delegate

s **8FB** ins 2016 No. 42 s 32

Subdivision 2—Declarations

sdiv hdg ins 2007 No. 34 s 12
sub 2016 No. 42 s 33

Terrorist emergency may be declared

s **8G** ins 2007 No. 34 s 12
amd 2016 No. 42 ss 34, 70 sch 1

Evacuation areas may be declared

s **8GA** ins 2016 No. 42 s 35

Extension of terrorist emergency beyond 7 days

s **8H** ins 2007 No. 34 s 12
sub 2016 No. 42 s 36

Extension of terrorist emergency beyond 28 days

s **8HA** ins 2016 No. 42 s 36

Relevant person must end terrorist emergency in particular circumstances

s **8I** ins 2007 No. 34 s 12
amd 2016 No. 42 ss 37, 70 sch 1

Dealing with certificates at end of terrorist emergency

s **8J** ins 2007 No. 34 s 12
sub 2016 No. 42 s 38

Division 2—Exercise of powers

div hdg ins 2007 No. 34 s 12

Subdivision 1—Terrorist emergency officer powers for declared areas

sdiv hdg ins 2007 No. 34 s 12
amd 2016 No. 42 s 39

Definition for sdiv 1

s **8K** ins 2007 No. 34 s 12

Grounds for exercise of power

s **8L** ins 2007 No. 34 s 12
sub 2016 No. 42 s 40

Power to control movement of persons

s **8M** ins 2007 No. 34 s 12

sub 2016 No. 42 s 41

Power to search a person without a warrant

s **8N** ins 2007 No. 34 s 12

amd 2016 No. 42 s 42

Power to require name, address and date of birth

s **8O** ins 2007 No. 34 s 12

amd 2016 No. 42 s 43

Power to search vehicle without warrant

s **8P** ins 2016 No. 42 s 44

Subdivision 1A—Terrorist emergency officer powers for declared evacuation areas

sdiv **hdg** ins 2016 No. 42 s 45

Definition for subdivision

s **8PA** ins 2016 No. 42 s 45

Grounds for exercise of power

s **8PB** ins 2016 No. 42 s 45

Power to control movement of persons

s **8PC** ins 2016 No. 42 s 45

Application of particular provisions to terrorist emergency officer

s **8PD** ins 2016 No. 42 s 45

Subdivision 2—Other powers

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

Power to direct officers of government agencies

s **8Q** ins 2007 No. 34 s 12

amd 2016 No. 42 s 46

Division 3—Other provisions

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

Report to Minister

s **8R** ins 2007 No. 34 s 12

amd 2016 No. 42 s 47

Tabling of report in Legislative Assembly

s **8S** ins 2007 No. 34 s 12

Review

s **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; 2016 No. 42 s 70 sch 1

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; 2016 No. 42 s 48

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; 2016 No. 42 s 49

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

amd 2016 No. 42 s 50

PART 3A—RELATIONSHIP BETWEEN EMERGENCIES

pt hdg ins 2007 No. 34 s 15

Emergency situation

s **43A** ins 2007 No. 34 s 15

Terrorist emergency

s **43B** ins 2007 No. 34 s 15

CBR emergency

s **43C** ins 2007 No. 34 s 15

Multiple appointments

s **43D** ins 2007 No. 34 s 15
amd 2016 No. 42 s 51

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
amd 2016 No. 42 s 52

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; 2016 No. 42 s 53

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; 2016 No. 42 s 54

Proceedings for offences

s **47A** ins 2016 No. 42 s 55

Use of information obtained under Act

s **47B** ins 2016 No. 42 s 55

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; 2016 No. 42 s 56

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; 2016 No. 42 s 57

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 *authorised person* ins 2016 No. 42 s 58(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 *critical infrastructure* ins 2016 No. 42 s 58(2)

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

def *declared evacuation area* ins 2016 No. 42 s 58(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 *disclosure notice* ins 2016 No. 42 s 58(2)

def *disclosure recipient* ins 2016 No. 42 s 58(2)

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)
def *emergency situation* reloc 2003 No. 46 s 4(3)
amd 2010 No. 40 s 46; 2016 No. 42 s 58(3)–(5)
def *emergency situation certificate* ins 2016 No. 42 s 58(2)
def *employer* ins 2016 No. 42 s 58(2)
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 *give* ins 2016 No. 42 s 58(2)
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 *information* ins 2016 No. 42 s 58(2)
def *information matter* ins 2016 No. 42 s 58(2)
def *information requirement* ins 2016 No. 42 s 58(2)
def *involved* ins 2003 No. 46 s 4(2)
reloc 2003 No. 46 s 4(3)
def *manager* ins 2016 No. 42 s 58(2)
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

Endnotes

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 *period* ins 2016 No. 42 s 58(2)
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 *relevant officer* ins 2016 No. 42 s 58(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 *TERC commander* ins 2016 No. 42 s 58(2)
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 commander* ins 2016 No. 42 s 58(2)
def *terrorist emergency evacuation certificate* ins 2016 No. 42 s 58(2)
def *terrorist emergency forward commander* ins 2016 No. 42 s 58(2)
def *terrorist emergency officer* ins 2007 No. 34 s 17(2)
sub 2016 No. 42 s 58(1)–(2)
def *terrorist emergency powers* ins 2007 No. 34 s 17(2)
sub 2016 No. 42 s 58(1)–(2)

def *terrorist emergency reception centre* ins 2016 No. 42 s 58(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 *unauthorised person* ins 2016 No. 42 s 58(2)
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
def *work-related information* ins 2016 No. 42 s 58(2)

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