



Queensland

Disaster Management Act 2003

Disaster Management Regulation 2014

Current as at 8 September 2016



Queensland

Disaster Management Regulation 2014

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Disaster Management Regulation 2014

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Disaster Management Regulation 2014*.

Part 2 Disaster management groups—membership and other matters

2 Members of State group—Act, s 19

For section 19(1)(a) of the Act, the following persons are members of the State group—

- (a) the Premier;
- (b) the Minister administering the Act;
- (c) the Ministers administering the following Acts—
 - (i) the *Community Services Act 2007*;
 - (ii) the *Financial Accountability Act 2009*;
 - (iii) the *Housing Act 2003*;
 - (iv) the *Local Government Act 2009*;
 - (v) the *Sustainable Planning Act 2009*;
 - (vi) the *Transport Operations (Road Use Management) Act 1995*.

3 Persons to assist or carry out other activities relating to the State group—Act, s 19A

- (1) For section 19A(1)(a) of the Act, the following persons are to assist the State group in carrying out the group's functions—
 - (a) the chief executives of the departments in which the following Acts are administered—
 - (i) the *Community Services Act 2007*;
 - (ii) the *Constitution of Queensland 2001*;
 - (iii) the *Financial Accountability Act 2009*;
 - (iv) the *Housing Act 2003*;
 - (v) the *Local Government Act 2009*;
 - (vi) the *Sustainable Planning Act 2009*;
 - (vii) the *Transport Operations (Road Use Management) Act 1995*;
 - (b) the chief operating officer of the Public Safety Business Agency;
 - (c) the commissioner of the Queensland Fire and Emergency Service;
 - (d) the commissioner of the police service.
- (2) For section 19A(1)(b) of the Act, the inspector-general is prescribed for the purpose of observing the way the State group carries out its functions.

4 Chairperson and deputy chairperson of the State group—Act, s 20

For section 20(1) of the Act—

- (a) the Premier is the chairperson of the State group; and
- (b) the Minister administering the *Local Government Act 2009* is the deputy chairperson of the State group.

5 Membership of district groups—Act, s 24

- (1) For section 24(1) of the Act, the following persons are members of a district group—
- (a) the persons appointed as chairperson and deputy chairperson of the district group under section 6;
 - (b) the person appointed as the executive officer of the district group under section 27 of the Act;
 - (c) a person appointed by—
 - (i) if there is 1 local government only in the disaster district for the district group—the local government; or
 - (ii) if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the Act—each local government; or
 - (iii) if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the Act—each combined local government; or
 - (iv) if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the Act—
 - (A) each local government that does not unite; and
 - (B) each combined local government;
 - (d) a number of persons, each of whom represents a department, or a Hospital and Health Service, the chief executive of the department considers appropriate to be represented on the group, having regard to effective disaster management for the disaster district;
 - (e) any other person appointed by the chief executive of the department that the chief executive considers appropriate to be a member of the district group, having

regard to effective disaster management for the disaster district.

- (2) Under subsection (1)(c)(ii), (iii) and (iv), each local government or combined local government is to appoint a separate person.
- (3) The members mentioned in subsection (1)(d) are to be appointed by the chief executive of the department, or the health service chief executive of the Hospital and Health Service, the member represents.
- (4) In considering the departments that are appropriate to be represented on a district group, the chief executive of the department must consult with the chairperson of the group.
- (5) Before appointing a person under subsection (1)(e), the chief executive of the department must consult with the chairperson of the district group.
- (6) As soon as practicable after a local government or a combined local government appoints a person under subsection (1)(c), the local government or combined local government must inform the chief executive of the department, and the chairperson of the district group, of the appointment.
- (7) As soon as practicable after a chief executive or health service chief executive appoints a person under subsection (3), the chief executive or health service chief executive must inform the chief executive of the department, and the chairperson of the district group, of the appointment.

6 Chairperson and deputy chairperson of district groups—Act, s 25

- (1) For section 25(2) of the Act, the chairperson and deputy chairperson of a district group are the persons appointed by the commissioner of the police service to be the chairperson and deputy chairperson.
- (2) The commissioner of the police service may appoint a person under subsection (1) only if satisfied the person has the necessary expertise or experience to perform the functions

and exercise the powers of a chairperson or deputy chairperson.

7 Membership of temporary district groups—Act, s 28B

- (1) For section 28B(1) of the Act, the following persons are members of a temporary district group—
 - (a) the persons appointed as chairperson and deputy chairperson of the group under section 8;
 - (b) a person nominated by each local government whose local government area is entirely or partly in a disaster district for which the temporary district group is established;
 - (c) a number of persons, each of whom represents a department, or a Hospital and Health Service, the chairperson of the temporary district group considers appropriate to be represented on the group, having regard to effective disaster management for the area in which the group is established;
 - (d) any other person appointed by the chairperson of the temporary district group that the chairperson considers appropriate to be a member of the temporary district group, having regard to effective disaster management for the area in which the group is established.
- (2) A person mentioned in subsection (1)(b) or (c) must be appointed by the chairperson of the temporary district group.

8 Chairperson and deputy chairperson of temporary district groups—Act, s 28C

- (1) For section 28C(2) of the Act, the chairperson and deputy chairperson of a temporary district group are the persons appointed by the chairperson of the State group to be the chairperson and deputy chairperson.
- (2) The chairperson of the State group may appoint a person under subsection (1) only—

- (a) after consulting with the commissioner of the police service; and
- (b) if the chairperson is satisfied the person has the necessary expertise or experience to perform the functions and exercise the powers of a chairperson or deputy chairperson.

9 Membership of local groups—Act, s 33

- (1) For section 33(1) of the Act, the following persons are members of a local group—
 - (a) the persons appointed as the chairperson and deputy chairperson of the group under section 10;
 - (b) the other persons appointed as members of the group by the relevant local government for the group.
- (2) At least 1 person appointed under subsection (1)(b) must be a person nominated by the chief executive of the department.
- (3) At least 1 person appointed under subsection (1)(b) must be a councillor of a local government.
- (4) The relevant local government for a local group may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member.

10 Chairperson and deputy chairperson of local groups—Act, s 34

- (1) For section 34(2) of the Act, the chairperson and deputy chairperson of a local group are the persons appointed by the relevant local government for the local group to be the chairperson and deputy chairperson.
- (2) The chairperson must be a councillor of a local government.

13 Quorum

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

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

14 Meeting deputies for particular members

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

15 Deputies for officials of State group

- (1) An official of the State group may, with the approval of the chairperson of the group, appoint by signed notice another person as the official's deputy.
- (2) The deputy may attend a meeting of the State group in the official's absence to act as the official and exercise the official's functions under the Act.
- (3) In this section—
official, of the State group, means a person—
 - (a) mentioned in section 3; or
 - (b) invited by the chairperson of the State group under section 19A(2) of the Act.

16 Presiding at meetings

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

17 Conduct of meetings

- (1) A disaster management group may hold meetings, or allow members of the group to take part in its meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

Example of use of technology—

teleconferencing

- (2) A member who takes part in a meeting of a disaster management group under subsection (1) is taken to be present at the meeting.
- (3) A resolution is validly made by a disaster management group even if it is not passed at a meeting of the group, if—
 - (a) a majority of the members of the group gives written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the group.

18 Minutes

A disaster management group must keep minutes of its meetings.

Part 4 Disaster districts

19 Disaster districts—Act, schedule

- (1) Each part of the State mentioned in schedule 1, column 1 is prescribed as a disaster district for the Act, schedule, definition *disaster district*.
- (2) Each disaster district mentioned in schedule 1, column 1 is made up of the local government area or areas mentioned in schedule 1, column 2 opposite the disaster district.
- (3) Despite subsections (1) and (2), the local government areas mentioned in schedule 1, column 2 opposite the disaster districts for Cairns and Mareeba are prescribed as the Far North disaster district.
- (4) Subsection (3) and this subsection expire on 30 April 2017.

Schedule 1 Disaster districts

section 19

| Column 1 | Column 2 |
|-------------------|--|
| Disaster district | Local government area or areas |
| Brisbane | Brisbane Redland |
| Bundaberg | Bundaberg North Burnett |
| Cairns* | Aurukun Cairns Cook Douglas Hope Vale Kowanyama Lockhart River Mapoon Napranum Northern Peninsula Area Pormpuraaw Torres Torres Strait Island Wujal Wujal Yarrabah |

Schedule 1

| Column 1 | Column 2 |
|--------------------------|---|
| Disaster district | Local government area or areas |
| Charleville | Bulloo Murweh Paroo Quilpie |
| Dalby | Western Downs |
| Gladstone | Banana Gladstone |
| Gold Coast | Gold Coast |
| Gympie | Cherbourg Gympie South Burnett |
| Innisfail | Cassowary Coast |
| Ipswich | Ipswich Somerset |
| Logan | Logan Scenic Rim |
| Longreach | Barcaldine Barcoo Blackall-Tambo Longreach Winton |
| Mackay | Isaac Mackay Whitsunday |

| Column 1 | Column 2 |
|--------------------------|---|
| Disaster district | Local government area or areas |
| Mareeba* | Croydon Etheridge Mareeba Tablelands |
| Maryborough | Fraser Coast |
| Mount Isa | Boulia Burke Carpentaria Cloncurry Diamantina Doomadgee McKinlay Mornington Mount Isa |
| Redcliffe | Moreton Bay |
| Rockhampton | Central Highlands Livingstone Rockhampton Woorabinda |
| Roma | Balonne Maranoa |
| Sunshine Coast | Noosa Sunshine Coast |
| Toowoomba | Lockyer Valley Toowoomba |

Schedule 1

| Column 1 | Column 2 |
|--------------------------|--|
| Disaster district | Local government area or areas |
| Townsville | Burdekin Charters Towers Flinders Hinchinbrook Palm Island Richmond Townsville |
| Warwick | Goondiwindi Southern Downs |

*For the amalgamation of the Cairns and Mareeba disaster districts, see section 19(3) and (4).

1 Index to endnotes

- 2 Key
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2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-------------|---------------------------------------|---------------|----------------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| 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 m | = unnumbered |
| prev | = previous | | |

3 Table of reprints

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

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

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

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 27 October 2014 | none | |
| 12 June 2015 | 2015 SL No. 35 | |

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 1 March 2016 | 2016 SL No. 11 | |
| 8 September 2016 | 2016 Act No. 43 | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Disaster Management Regulation 2014

(enacted by the Disaster Management and Another Act Amendment Act 2014 No. 55 s 22 sch 1 on 27 October 2014)
 commenced 27 October 2014
 SIA pt 7 does not apply
 amending legislation—

Disaster Management Amendment Regulation (No. 1) 2015 SL No. 35

notfd <www.legislation.qld.gov.au> 12 June 2015
 commenced on date of notification

Disaster Management Amendment Regulation (No. 1) 2016 SL No. 11

notfd <www.legislation.qld.gov.au> 26 February 2016
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 March 2016 (see s 2)

Public Safety Business Agency and Other Legislation Amendment Act 2016 No. 43 s 1, pt 3 div 1

date of assent 8 September 2016
 commenced on date of assent

5 List of annotations

Persons to assist or carry out other activities relating to the State group—Act, s 19A s 3 amd 2016 Act No. 43 s 16

PART 4—DISASTER DISTRICTS
pt hdg ins 2015 SL No. 35 s 3

Disaster districts—Act, schedule
s 19 ins 2015 SL No. 35 s 3

amd 2016 SL No. 11 s 4
(3)–(4) exp 30 April 2017 (see s 19(4))

SCHEDULE 1—DISASTER DISTRICTS

sch 1 ins 2015 SL No. 35 s 3
amd 2016 SL No. 11 s 5

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