



# **Disaster Management Act 2003**

**Current as at 1 November 2022**

© State of Queensland 2022



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

# Disaster Management Act 2003

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Introduction</b>	
1	Short title .....	9
2	Commencement .....	9
<b>Division 2</b>	<b>Objects</b>	
3	Main objects of Act .....	9
4	How the objects are to be primarily achieved .....	10
4A	Guiding principles .....	10
<b>Division 3</b>	<b>Application</b>	
5	Act binds all persons .....	11
6	Relationship to other Acts about particular declarations .....	11
7	Public Safety Preservation Act 1986, pt 3, not affected .....	12
8	Powers under this Act and other Acts .....	12
9	Directions about powers under other Acts during disaster situation .....	12
10	Limit on application of Act in particular circumstances .....	13
<b>Division 4</b>	<b>Interpretation</b>	
11	Definitions .....	14
13	Meaning of disaster .....	14
14	Meaning of disaster management .....	14
15	Meaning of disaster operations .....	14
16	Meaning of event .....	15
<b>Division 4A</b>	<b>Functions of chief executive</b>	
16A	Functions of chief executive .....	15
<b>Part 1A</b>	<b>Office of the Inspector-General of Emergency Management</b>	
<b>Division 1</b>	<b>Establishment</b>	
16B	Establishment .....	16
<b>Division 2</b>	<b>Functions</b>	

Contents

---

16C	Office's functions .....	16
<b>Division 3</b>	<b>Membership of the office</b>	
16D	Membership of office .....	17
<b>Division 4</b>	<b>Staff of the office</b>	
<b>Subdivision 1</b>	<b>Inspector-General of Emergency Management</b>	
16E	Inspector-General of Emergency Management .....	18
16F	Inspector-general employed under this Act .....	18
16G	Term of office .....	18
16H	Functions of inspector-general .....	18
16I	Conditions of appointment .....	19
16J	Vacancy in office of inspector-general .....	19
16K	Preservation of rights of inspector-general .....	20
16L	Acting inspector-general .....	20
<b>Subdivision 2</b>	<b>Staff</b>	
16M	Office staff .....	21
<b>Division 5</b>	<b>Disaster management standards</b>	
16N	Making standards .....	21
16O	Access to standards .....	21
<b>Division 6</b>	<b>Miscellaneous</b>	
16P	Provision of information .....	21
16Q	Delegations .....	22
<b>Part 2</b>	<b>Disaster management groups and committees</b>	
<b>Division 1</b>	<b>Queensland Disaster Management Committee</b>	
<b>Subdivision 1</b>	<b>Establishment and functions</b>	
17	Establishment .....	23
18	Functions .....	23
<b>Subdivision 2</b>	<b>Membership</b>	
19	Membership .....	24
19A	Persons who are to assist or carry out other activities relating to the State group .....	24
20	Chairperson and deputy chairperson .....	25
20A	Functions of chairperson of State group .....	25
20B	Chairperson may give notice about deemed approvals under Planning Act .....	26
21	Commissioner of police service to appoint executive officer of the State group .....	27
21A	Executive officer to provide support .....	27

21B	State disaster coordinator .....	28
21C	Functions of State disaster coordinator .....	28
21D	State recovery coordinator .....	29
21E	Functions of State recovery coordinator .....	29
<b>Division 2</b>	<b>District disaster management groups</b>	
<b>Subdivision 1</b>	<b>Establishment and functions</b>	
22	Establishment .....	30
23	Functions .....	30
<b>Subdivision 2</b>	<b>Membership</b>	
24	Membership .....	31
25	Chairperson and deputy chairperson .....	32
25A	District disaster coordinator .....	32
26	Functions of chairperson of district group .....	32
26A	Function of district disaster coordinator .....	33
27	Executive officer of district group .....	33
28	Functions of executive officer of district group .....	33
<b>Subdivision 3</b>	<b>Temporary district groups</b>	
28A	Temporary disaster district groups .....	33
28B	Membership .....	34
28C	Chairperson and deputy chairperson .....	34
28D	Functions of chairperson of temporary district group .....	34
28E	Temporary district disaster coordinator .....	35
28F	Function of temporary district disaster coordinator .....	35
<b>Division 3</b>	<b>Local government disaster management groups</b>	
<b>Subdivision 1</b>	<b>Establishment and functions</b>	
29	Establishment .....	35
30	Functions .....	35
<b>Subdivision 2</b>	<b>Application of sections 29 and 30 in particular circumstances</b>	
31	Local governments may combine .....	36
32	Application of ss 29 and 30 .....	37
<b>Subdivision 3</b>	<b>Membership</b>	
33	Membership .....	37
34	Chairperson and deputy chairperson .....	37
34A	Functions of chairperson of local group .....	38
35	Local disaster coordinator .....	38
36	Functions of local disaster coordinator .....	38

Contents

---

37	Notice about membership of local group . . . . .	39
<b>Division 4</b>	<b>Business and meetings for disaster management groups</b>	
38	Conduct of business and meetings . . . . .	39
<b>Division 5</b>	<b>Annual report, and directions about functions</b>	
<b>Subdivision 1</b>	<b>Annual report</b>	
44	Annual report . . . . .	39
<b>Subdivision 2</b>	<b>Directions about functions</b>	
46	Chairperson of State group may give directions . . . . .	40
47	District disaster coordinator may give directions . . . . .	40
<b>Division 6</b>	<b>Committees for disaster management groups</b>	
48	Committees . . . . .	41
<b>Division 7</b>	<b>Requirement for disaster management groups to consult</b>	
48A	Essential services providers . . . . .	42
<b>Part 3</b>	<b>Disaster management plans and guidelines</b>	
<b>Division 1</b>	<b>State disaster management plan</b>	
49	State plan for disaster management . . . . .	42
50	Requirements of plan . . . . .	43
51	Reviewing and renewing plan . . . . .	43
52	Plan to be available for inspection etc. . . . .	44
<b>Division 2</b>	<b>Disaster management plans for disaster districts</b>	
53	Plan for disaster management in disaster district . . . . .	44
54	Requirements of plan . . . . .	45
55	Reviewing and renewing plan . . . . .	45
56	Plan to be available for inspection etc. . . . .	45
<b>Division 3</b>	<b>Disaster management plans for local governments</b>	
<b>Subdivision 1</b>	<b>Disaster management plans</b>	
57	Plan for disaster management in local government area . . . . .	46
58	Requirements of plan . . . . .	46
59	Reviewing and renewing plan . . . . .	47
60	Plan to be available for inspection etc. . . . .	47
<b>Subdivision 2</b>	<b>Application of subdivision 1 in particular circumstances</b>	
61	Local governments may combine . . . . .	47
62	Application of sdiv 1 . . . . .	48
<b>Division 4</b>	<b>Guidelines</b>	
63	Guidelines about disaster management plans . . . . .	48
<b>Part 4</b>	<b>Provisions for declarations of disaster situation</b>	

<b>Division 1</b>	<b>Declarations</b>	
<b>Subdivision 1</b>	<b>Declaration of disaster situation by district disaster coordinator</b>	
64	Declaration .....	50
65	Form and notice of declaration .....	51
66	Duration .....	51
67	Extending disaster situation .....	52
67A	Declaration extending disaster situation .....	52
68	Ending disaster situation .....	53
<b>Subdivision 2</b>	<b>Declaration of disaster situation by Minister and Premier</b>	
69	Declaration .....	54
70	Form and notice of declaration .....	54
71	Duration .....	55
72	Extending disaster situation .....	56
72A	Declaration extending disaster situation .....	56
73	Ending disaster situation .....	57
<b>Division 2</b>	<b>Authorising persons, and powers, for disaster situations</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
74	Application of div 2 .....	58
<b>Subdivision 2</b>	<b>Authorising persons to exercise declared disaster powers</b>	
75	Authorisation for disaster situation .....	58
<b>Subdivision 3</b>	<b>Powers of district disaster coordinators and declared disaster officers</b>	
76	General provision about powers .....	59
77	General powers .....	60
78	Power to give direction about property .....	62
79	Requirements for direction about property .....	62
<b>Part 5</b>	<b>Functions of local governments</b>	
80	Functions of local government .....	63
<b>Part 9</b>	<b>Authorising persons to exercise rescue powers in particular circumstances</b>	
<b>Division 1</b>	<b>Authorising persons to exercise rescue powers</b>	
110	Authorising persons to exercise rescue powers .....	64
<b>Division 2</b>	<b>Powers of persons authorised under division 1</b>	
111	Power to enter places .....	65
112	General powers .....	66
<b>Part 10</b>	<b>Offence provisions</b>	

Contents

---

<b>Division 1</b>	<b>Preliminary</b>	
113	Definition for pt 10 .....	67
<b>Division 2</b>	<b>Offences</b>	
114	Impersonation of authorised person .....	67
115	Obstruction of authorised person .....	67
116	Failure to comply with direction .....	68
117	Failure to help particular persons .....	68
<b>Part 11</b>	<b>Provisions about compensation and policies of insurance</b>	
<b>Division 1</b>	<b>Compensation</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
119	Entitlement to compensation .....	69
120	When compensation is not payable .....	69
<b>Subdivision 2</b>	<b>Application and decision about compensation</b>	
121	Applying for compensation .....	70
122	Lapsing of application .....	70
123	Deciding application .....	71
124	Notice about decision .....	71
<b>Subdivision 3</b>	<b>Review of decision</b>	
125	Review of a decision to pay compensation .....	72
<b>Division 2</b>	<b>Policies of insurance</b>	
130	Extension of policy of insurance .....	72
<b>Part 12</b>	<b>Legal proceedings</b>	
<b>Division 1</b>	<b>Evidence</b>	
131	Application of div 1 .....	73
132	Appointments and authority .....	73
133	Signatures .....	74
134	Other evidentiary aids .....	74
<b>Division 2</b>	<b>Offence proceedings</b>	
135	Summary proceedings for offence .....	75
136	Statement of complainant's knowledge .....	75
<b>Part 13</b>	<b>Miscellaneous</b>	
139	Confidentiality .....	75
142	Chief executive to insure particular persons .....	76
143	Delegations .....	76
144	Protection from liability .....	77
145	Appointments .....	78



146	Arrangements for identification . . . . .	78
147	Approval of forms . . . . .	78
148	Regulation-making power . . . . .	78
<b>Part 14</b>	<b>Repeal and transitional provisions</b>	
<b>Division 1</b>	<b>Repeal</b>	
149	Repeal of State Counter-Disaster Organisation Act 1975 . . . . .	79
<b>Division 2</b>	<b>Transitional provisions for Act No. 91 of 2003</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
150	Definitions for div 2 . . . . .	79
<b>Subdivision 2</b>	<b>Transitional references</b>	
151	References to repealed Act . . . . .	80
152	References to former SES . . . . .	80
<b>Subdivision 3</b>	<b>Other transitional provisions</b>	
153	Members of central control group . . . . .	80
154	Chairperson of central control group . . . . .	80
155	Executive officer of central control group . . . . .	80
156	Members of former SES . . . . .	81
157	Authorised officers under the repealed Act . . . . .	81
158	Former disaster districts . . . . .	81
159	Disaster district coordinators . . . . .	81
160	Other members of former control groups . . . . .	82
161	Particular local governments under the repealed Act . . . . .	82
162	Provision about declaration under the repealed Act . . . . .	82
163	Compensation for exercise of powers under the repealed Act . . . . .	83
164	Application for compensation under the repealed Act . . . . .	83
165	Local controllers under the repealed Act . . . . .	84
<b>Division 3</b>	<b>Other transitional provisions</b>	
<b>Subdivision 1</b>	<b>Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010</b>	
166	Definitions for sdiv 1 . . . . .	84
167	Continuance of particular member of State group . . . . .	85
168	Deputy chairperson of State group . . . . .	85
169	Executive officer of State group . . . . .	85
170	District disaster coordinator and chairperson of district group . . . . .	85
171	Deputy chairperson of district group . . . . .	86
172	Executive officer of district group . . . . .	86

Contents

---

173	SES units . . . . .	87
<b>Subdivision 2</b>	<b>Transitional provisions for Disaster Management and Another Act Amendment Act 2014</b>	
174	Definitions for sdiv 2 . . . . .	87
175	Dissolution of former State group . . . . .	87
176	References to former State group . . . . .	88
177	Continuation of State disaster management plan . . . . .	88
178	Continuation of State disaster coordinator and State recovery coordinator . . . . .	88
179	Continuation of membership of continuing groups . . . . .	88
180	Continuation of chairpersons and deputy chairpersons of continuing groups . . . . .	88
<b>Subdivision 3</b>	<b>Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2016</b>	
181	Notices about deemed approvals for existing development applications 89	
<b>Schedule</b>	<b>Dictionary . . . . .</b>	<b>90</b>

---

# Disaster Management Act 2003

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

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

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

#### **2 Commencement**

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

### **Division 2 Objects**

#### **3 Main objects of Act**

The main objects of this Act are as follows—

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

## **4 How the objects are to be primarily achieved**

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

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

## **4A Guiding principles**

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

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

---

of infrastructure, the restoration of emotional, social, economic and physical wellbeing, and the restoration of the environment;

- (b) all events, whether natural or caused by human acts or omissions, should be managed in accordance with the following—
- (i) a strategic policy framework developed by the State group;
  - (ii) the State disaster management plan;
  - (iii) any disaster management guidelines;
- (c) local governments should primarily be responsible for managing events in their local government area;
- (d) district groups and the State group should provide local governments with appropriate resources and support to help the local governments carry out disaster operations.

## **Division 3                      Application**

### **5                      Act binds all persons**

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

### **6                      Relationship to other Acts about particular declarations**

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

*Examples of other Acts—*

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

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

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

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

## **8 Powers under this Act and other Acts**

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

*Examples of persons who may be exercising the powers—*

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

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

## **9 Directions about powers under other Acts during disaster situation**

- (1) This section applies if there is a disaster situation.
- (2) The chairperson of the State group, or a relevant district disaster coordinator for the disaster situation, may give directions about the circumstances in which a power under another Act may be exercised during the period of the disaster situation.
- (3) However, the chairperson or relevant district disaster coordinator must not give directions about the way in which the power may be exercised.
- (4) A direction under subsection (2) may be given—
- (a) only to the person who may exercise the power under the other Act; and

- 
- (b) only if it is necessary for effective management of the disaster for which the disaster situation is declared.

*Examples—*

- The chairperson of the State group may direct an authorised person under the *Environmental Protection Act 1994* to delay exercising particular powers until the chairperson considers it is appropriate in the circumstances for the powers to be exercised.
  - If the disaster situation involves an outbreak of an animal disease, the chairperson of the State group may direct an authorised officer under the *Biosecurity Act 2014* to delay exercising particular powers until the chairperson considers it is appropriate in the circumstances for the powers to be exercised.
- (5) Also, a direction under subsection (2)—
- (a) may be general or limited to a particular class of persons; and
- (b) may be given on conditions.
- (6) Before giving a direction under subsection (2) about the exercise of a power under another Act, the chairperson or relevant district disaster coordinator must take reasonable steps to consult with the chief executive of the department or other agency in which the Act is administered.
- (7) A failure to consult under subsection (6) does not affect the validity of the direction.
- (8) Subsection (2) does not apply to the *Police Powers and Responsibilities Act 2000* or to terrorist emergency powers or CBR emergency powers under the *Public Safety Preservation Act 1986*.

## **10 Limit on application of Act in particular circumstances**

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

- (a) engage in armed combat against an enemy;
- (b) put down a riot or other civil disturbance;
- (c) end a strike or lockout.

## **Division 4                      Interpretation**

### **11            Definitions**

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

### **13            Meaning of *disaster***

(1) A *disaster* is a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

(2) In this section—

*serious disruption* means—

- (a) loss of human life, or illness or injury to humans; or
- (b) widespread or severe property loss or damage; or
- (c) widespread or severe damage to the environment.

### **14            Meaning of *disaster management***

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

### **15            Meaning of *disaster operations***

*Disaster operations* means activities undertaken before, during or after an event happens to help reduce loss of human life, illness or injury to humans, property loss or damage, or damage to the environment, including, for example, activities to mitigate the adverse effects of the event.



---

## 16 Meaning of *event*

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

## Division 4A Functions of chief executive

### 16A Functions of chief executive

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

- (a) to establish and maintain arrangements between the State and the Commonwealth about matters relating to effective disaster management;
- (b) to ensure that disaster management and disaster operations in the State are consistent with the following—
  - (i) the State group's strategic policy framework for disaster management for the State;
  - (ii) the State disaster management plan;

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

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

### **Division 1                      Establishment**

#### **16B      Establishment**

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

### **Division 2                      Functions**

#### **16C      Office's functions**

The office has the following functions—

- (a) to regularly review and assess the effectiveness of disaster management by the State, including the State disaster management plan and its implementation;
- (b) to regularly review and assess the effectiveness of disaster management by district groups and local groups, including district and local disaster management plans;
- (c) to regularly review and assess cooperation between entities responsible for disaster management in the

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

## **Division 3                      Membership of the office**

### **16D      Membership of office**

The office consists of—

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

## **Division 4                    Staff of the office**

### **Subdivision 1            Inspector-General of Emergency Management**

#### **16E    Inspector-General of Emergency Management**

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

#### **16F    Inspector-general employed under this Act**

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

#### **16G    Term of office**

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

#### **16H    Functions of inspector-general**

- (1) The main functions of the inspector-general are as follows—
  - (a) to ensure the effective and efficient administration and operation of the office and the performance of its functions;
  - (b) to manage the staff of the office in accordance with the requirements of this Act and the *Public Service Act 2008*.

- (2) The inspector-general's functions also include any other function given to the inspector-general under this Act or another Act.

## **16I Conditions of appointment**

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

## **16J Vacancy in office of inspector-general**

- (1) The office of the inspector-general becomes vacant—
  - (a) if the inspector-general—
    - (i) resigns office by signed notice to the Minister giving at least 1 month's notice; or
    - (ii) is convicted of an indictable offence; or
    - (iii) is a person who is an insolvent under administration under the Corporations Act, section 9; or
    - (iv) is removed from office by the Governor in Council under subsection (2); or
  - (b) if the inspector-general is suspended by the Minister under subsection (4)—during the period of the suspension.
- (2) The Governor in Council may, at any time, remove the inspector-general from office on the recommendation of the Minister.
- (3) The Minister may recommend the inspector-general's removal only if the Minister is satisfied the inspector-general—
  - (a) has been guilty of misconduct; or
  - (b) is incapable of performing his or her duties; or

[s 16K]

---

- (c) has neglected his or her duties or performed them incompetently.
- (4) The Minister may suspend the inspector-general for up to 60 days by signed notice to the inspector-general if—
  - (a) there is an allegation of misconduct against the inspector-general; or
  - (b) the Minister is satisfied a matter has arisen in relation to the inspector-general that may be grounds for removal under this section.

### **16K Preservation of rights of inspector-general**

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

### **16L Acting inspector-general**

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

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

## **Subdivision 2      Staff**

### **16M      Office staff**

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

## **Division 5              Disaster management standards**

### **16N      Making standards**

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

### **16O      Access to standards**

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

## **Division 6              Miscellaneous**

### **16P      Provision of information**

- (1) Subsection (2) applies if the inspector-general considers a public sector unit has information necessary for the performance of the inspector-general's or the office's functions.
- (2) The inspector-general may ask the public sector unit to give the inspector-general the information within a stated reasonable time.

[s 16Q]

---

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

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

## 16Q Delegations

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

*function* includes power or responsibility.



---

## **Part 2                    Disaster management groups                                   and committees**

### **Division 1                Queensland Disaster Management                                   Committee**

#### **Subdivision 1        Establishment and functions**

##### **17        Establishment**

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

##### **18        Functions**

The State group has the following functions—

- (a) to develop a strategic policy framework for disaster management for the State;
- (b) to ensure effective disaster management is developed and implemented for the State;
- (c) to ensure arrangements between the State and the Commonwealth about matters relating to effective disaster management are established and maintained;
- (d) to identify resources, in and outside the State, that may be used for disaster operations;
- (e) to provide reports and make recommendations that the State group considers appropriate about matters relating to disaster management and disaster operations;
- (f) to prepare, under section 49, the State disaster management plan;
- (g) to coordinate State and Commonwealth assistance for disaster management and disaster operations;

- (h) to perform other functions given to the group under this or another Act;
- (i) to perform a function incidental to a function mentioned in paragraphs (a) to (h).

## **Subdivision 2 Membership**

### **19 Membership**

- (1) The State group consists of the following members—
  - (a) the persons prescribed by regulation;
  - (b) other persons invited by the chairperson of the State group to be members of the group.
- (2) If the chairperson of the State group invites a person to be a member of the group under subsection (1)(b), the person's membership is subject to the conditions decided by the chairperson.

*Example of a condition—*

a person's membership is for a limited period

### **19A Persons who are to assist or carry out other activities relating to the State group**

- (1) A regulation may prescribe persons who are to—
  - (a) assist the State group in carrying out the group's functions; or
  - (b) carry out other activities prescribed by regulation that relate to the State group.
- (2) Also, the chairperson of the State group may invite persons to—
  - (a) assist the State group in carrying out the group's functions; or
  - (b) carry out other activities prescribed by regulation that relate to the State group.

- 
- (3) If the chairperson of the State group invites a person under subsection (2), the person's invitation is subject to the conditions decided by the chairperson.

*Example of a condition—*

a person is invited to assist the State group only in relation to a particular meeting of the group

## **20 Chairperson and deputy chairperson**

- (1) The chairperson and deputy chairperson of the State group are the members of the group prescribed by regulation.
- (2) The chairperson may appoint another member of the State group to act as chairperson of the group.
- (3) The deputy chairperson of the State group is to act as chairperson—
- (a) during a vacancy in the office of chairperson; and
  - (b) if there is no appointee under subsection (2)—during all periods when the chairperson is absent from duty or for another reason can not perform the functions of the office; and
  - (c) if there is an appointee under subsection (2)—during all periods when the appointee is absent from duty or for another reason can not perform the functions of the office.

## **20A Functions of chairperson of State group**

The chairperson of the State group has the following functions—

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

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

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

- 
- (b) the applicant for the affected application can not give a deemed approval notice under the Planning Act for the application until after the end of the stated day; and
  - (c) a deemed approval notice given, or purportedly given, under the Planning Act for the application after the day the local government receives the notice under subsection (2), and before the stated day ends, is taken to be of no effect under that Act.
- (7) In this section—

*change application* means a change application under the Planning Act, other than a change application for a minor change to a development approval, as defined in that Act.

*deemed approval provision* means the Planning Act, section 64.

*development application* means a development application under the Planning Act.

*Planning Act* means the *Planning Act 2016*.

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

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

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

### **21A Executive officer to provide support**

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

- (a) providing executive support at meetings of the State group;

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

## **21B State disaster coordinator**

- (1) The chairperson of the State group must appoint one of the following persons as a State disaster coordinator to coordinate disaster operations for the group—
  - (a) a deputy commissioner of the police service;
  - (b) another person the chairperson decides, after considering the nature of the disaster operations, should be appointed to coordinate the operations.
- (2) The chairperson must consult with the commissioner of the police service before making the appointment.
- (3) The appointment must be in writing and may only be terminated in writing.
- (4) The chairperson may only appoint a person, other than a deputy commissioner of the police service, as a State disaster coordinator if the chairperson is satisfied the person has the necessary expertise or experience to perform the functions of a State disaster coordinator.

## **21C Functions of State disaster coordinator**

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

(2) In this section—

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

## **21D State recovery coordinator**

- (1) The chairperson of the State group may appoint a person as the State recovery coordinator for a disaster if the chairperson is satisfied that—
  - (a) it is necessary for a State recovery coordinator to be appointed; and
  - (b) the person has the necessary expertise or experience to perform the functions of the State recovery coordinator.
- (2) The appointment must be in writing and may only be terminated in writing.
- (3) The chairperson of the State group must terminate the appointment if the chairperson decides that it is no longer necessary for a State recovery coordinator to coordinate disaster operations for the State group.
- (4) The chairperson must advise the State group of the termination of the appointment.

## **21E Functions of State recovery coordinator**

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

(2) In this section—

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

## **Division 2            District disaster management groups**

### **Subdivision 1        Establishment and functions**

#### **22        Establishment**

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

#### **23        Functions**

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

- (a) to ensure that disaster management and disaster operations in the district are consistent with the State group's strategic policy framework for disaster management for the State;
- (b) to develop effective disaster management for the district, including a district disaster management plan, and regularly review and assess that disaster management;
- (c) to provide reports and make recommendations to the State group about matters relating to disaster management and disaster operations in the district;
- (d) to regularly review and assess—
  - (i) the disaster management of local groups in the district; and
  - (ii) local disaster management plans prepared by local governments whose areas are in the district;



- (e) to ensure that any relevant decisions and policies made by the State group are incorporated in its disaster management, and the disaster management of local groups in the district;
- (f) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- (g) to coordinate the provision of State resources and services provided to support local groups in the district;
- (h) to identify resources that may be used for disaster operations in the district;
- (i) to make plans for the allocation, and coordination of the use, of resources mentioned in paragraph (h);
- (j) to establish and review communications systems in the group, and with and between local groups in the district, for use when a disaster happens;
- (k) to ensure information about an event or a disaster in the district is promptly given to the State group and each local group in the district;
- (l) to prepare, under section 53, a district disaster management plan;
- (m) to perform other functions given to the group under this Act;
- (n) to perform a function incidental to a function mentioned in paragraphs (a) to (m).

## **Subdivision 2      Membership**

### **24      Membership**

- (1) A district group consists of the persons prescribed by regulation to be members of the group.
- (2) A regulation under this section may provide for—

[s 25]

---

- (a) the appointment of the members of a district group; and
- (b) the qualifications and experience required for a person to be a member of a district group.

## **25 Chairperson and deputy chairperson**

- (1) There is a chairperson and a deputy chairperson of a district group.
- (2) The chairperson and deputy chairperson are the persons prescribed by regulation.
- (3) A regulation under this section may provide for—
  - (a) the appointment of the chairperson and deputy chairperson of a district group; and
  - (b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.

## **25A District disaster coordinator**

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

## **26 Functions of chairperson of district group**

The chairperson of a district group has the following functions—

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

---

## **26A Function of district disaster coordinator**

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

## **27 Executive officer of district group**

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

## **28 Functions of executive officer of district group**

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

## **Subdivision 3 Temporary district groups**

### **28A Temporary disaster district groups**

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

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

## **28B Membership**

- (1) A temporary district group consists of the persons prescribed by regulation to be members of the group.
- (2) A regulation under this section may provide for—
  - (a) the appointment of the members of a temporary district group; and
  - (b) the qualifications and experience required for a person to be a member of a temporary district group.

## **28C Chairperson and deputy chairperson**

- (1) There is a chairperson and a deputy chairperson of a temporary district group.
- (2) The chairperson and deputy chairperson are the persons prescribed by regulation.
- (3) A regulation under this section may provide for—
  - (a) the appointment of the chairperson and deputy chairperson of a temporary district group; and
  - (b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.

## **28D Functions of chairperson of temporary district group**

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

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

- (c) to report regularly to the State group about the performance by the temporary district group of its functions.

### **28E Temporary district disaster coordinator**

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

### **28F Function of temporary district disaster coordinator**

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

## **Division 3 Local government disaster management groups**

### **Subdivision 1 Establishment and functions**

#### **29 Establishment**

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

#### **30 Functions**

A local group has the following functions for its area—

- (a) to ensure that disaster management and disaster operations in the area are consistent with the State group's strategic policy framework for disaster management for the State;
- (b) to develop effective disaster management, and regularly review and assess the disaster management;

[s 31]

---

- (c) to help the local government for its area to prepare a local disaster management plan;
- (d) to identify, and provide advice to the relevant district group about, support services required by the local group to facilitate disaster management and disaster operations in the area;
- (e) to ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to and recovering from a disaster;
- (f) to manage disaster operations in the area under policies and procedures decided by the State group;
- (g) to provide reports and make recommendations to the relevant district group about matters relating to disaster operations;
- (h) to identify, and coordinate the use of, resources that may be used for disaster operations in the area;
- (i) to establish and review communications systems in the group, and with the relevant district group and other local groups in the disaster district of the relevant district group, for use when a disaster happens;
- (j) to ensure information about a disaster in the area is promptly given to the relevant district group;
- (k) to perform other functions given to the group under this Act;
- (l) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

## **Subdivision 2      Application of sections 29 and 30 in particular circumstances**

### **31      Local governments may combine**

Despite section 29, 2 or more local governments (the *combined local government*) may, with the approval of the

---

Minister and the district disaster coordinator for the disaster district in which the local governments are situated, agree to unite for the purpose of establishing a local group.

### **32 Application of ss 29 and 30**

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

## **Subdivision 3 Membership**

### **33 Membership**

- (1) A local group consists of the persons prescribed by regulation to be members of the group.
- (2) A regulation under this section may provide for—
  - (a) the appointment of the members of a local group; and
  - (b) the qualifications and experience required for a person to be a member of a local group.

### **34 Chairperson and deputy chairperson**

- (1) There is a chairperson and a deputy chairperson of a local group.
- (2) The chairperson and deputy chairperson are the persons prescribed by regulation.
- (3) A regulation under this section may provide for—

[s 34A]

---

- (a) the appointment of the chairperson and deputy chairperson of a local group; and
- (b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.

### **34A Functions of chairperson of local group**

The chairperson of a local group has the following functions—

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

### **35 Local disaster coordinator**

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

### **36 Functions of local disaster coordinator**

The local disaster coordinator has the following functions—

- (a) to coordinate disaster operations for the local group;
- (b) to report regularly to the local group about disaster operations;



- (c) to ensure, as far as practicable, that any strategic decisions of the local group about disaster operations are implemented.

### **37 Notice about membership of local group**

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

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

## **Division 4 Business and meetings for disaster management groups**

### **38 Conduct of business and meetings**

- (1) A disaster management group must conduct its business, including its meetings, in the way prescribed by regulation.
- (2) Subject to a regulation made under subsection (1), a disaster management group may conduct its business, including its meetings, in the way it considers appropriate.

## **Division 5 Annual report, and directions about functions**

### **Subdivision 1 Annual report**

#### **44 Annual report**

- (1) As soon as practicable after the end of each financial year, the State group must prepare a written report about disaster

management in the State and publish the report on an appropriate website providing information to the public.

- (2) The report must include the following—
  - (a) information about activities undertaken during the financial year to maintain or enhance the State’s disaster management;
  - (b) details of disaster operations performed during the financial year;
  - (c) information about priorities for disaster management;
  - (d) other matters about disaster management the State group considers appropriate.

## **Subdivision 2      Directions about functions**

### **46      Chairperson of State group may give directions**

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

### **47      District disaster coordinator may give directions**

- (1) A district disaster coordinator for a disaster district may give a local group in the district a written direction about the



- (3) A committee may conduct its business, including its meetings, in the way it considers appropriate.

## **Division 7                      Requirement for disaster management groups to consult**

### **48A      Essential services providers**

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

*Examples of essential services—*

gas, electricity, telecommunications, water, sewerage infrastructure

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

## **Part 3                              Disaster management plans and guidelines**

### **Division 1                      State disaster management plan**

#### **49      State plan for disaster management**

- (1) The State group must prepare a plan (the *State disaster management plan*) for disaster management for the State.
- (2) The plan must include provision for the following—

- (a) the group's strategic policy framework for disaster management for the State;
  - (b) the roles and responsibilities of entities involved in disaster operations and disaster management for the State;
  - (c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
  - (d) events that are likely to happen in the State;
  - (e) priorities for disaster management for the State;
  - (f) the matters stated in the disaster management guidelines as matters to be included in the plan;
  - (g) other matters about disaster management the group considers appropriate or that are prescribed under a regulation.
- (3) The chairperson of the State group must give a copy of the plan to each district group and local group.

## **50 Requirements of plan**

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

## **51 Reviewing and renewing plan**

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

## **52 Plan to be available for inspection etc.**

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

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

## **Division 2 Disaster management plans for disaster districts**

### **53 Plan for disaster management in disaster district**

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

- (e) priorities for disaster management for the district;
- (f) the matters stated in the disaster management guidelines as matters to be included in the plan;
- (g) other matters about disaster management in the disaster district the group considers appropriate.

#### **54 Requirements of plan**

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

#### **55 Reviewing and renewing plan**

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

#### **56 Plan to be available for inspection etc.**

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

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

## **Division 3                    Disaster management plans for    local governments**

### **Subdivision 1            Disaster management plans**

#### **57            Plan for disaster management in local government area**

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

#### **58            Requirements of plan**

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



---

## 59 Reviewing and renewing plan

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

## 60 Plan to be available for inspection etc.

- (1) A local government must ensure a copy of its local disaster management plan is available for inspection, free of charge, by members of the public—
  - (a) at the local government’s head office; and
  - (b) on the local government’s website; and
  - (c) at other places the chief executive officer of the local government considers appropriate.
- (2) The local government must, on payment of the appropriate fee, give a person a copy of the plan.
- (3) In this section—

*appropriate fee* means the fee, decided by the chief executive officer of the local government, that is no more than the reasonable cost of providing the copy.

## Subdivision 2 Application of subdivision 1 in particular circumstances

### 61 Local governments may combine

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

## **62 Application of sdiv 1**

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

## **Division 4 Guidelines**

### **63 Guidelines about disaster management plans**

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

- (a) if the guideline relates to the State group—the State group; or
  - (b) if the guideline relates to district groups—each district group; or
  - (c) if the guideline relates to local governments—each local government.
- (3) If the chief executive amends a guideline, the chief executive must give a copy of the amendment or the amended guideline to—
- (a) if the guideline relates to the State group—the State group; or
  - (b) if the guideline relates to district groups—each district group; or
  - (c) if the guideline relates to local governments—each local government.
- (4) The chief executive must keep a copy of each guideline, as in force from time to time, available for inspection, free of charge, by members of the public at—
- (a) the department’s head office; and
  - (b) other places the chief executive considers appropriate.
- (5) The guideline may be made available in written or electronic form.

## **Part 4                      Provisions for declarations of disaster situation**

### **Division 1                Declarations**

#### **Subdivision 1        Declaration of disaster situation by district disaster coordinator**

#### **64        Declaration**

- (1) A district disaster coordinator for a disaster district may, with the approval of the Minister, declare a disaster situation for the district, or a part of it, if satisfied—
  - (a) a disaster has happened, is happening or is likely to happen, in the disaster district; and
  - (b) it is necessary, or reasonably likely to be necessary, for the district disaster coordinator or a declared disaster officer to exercise declared disaster powers to prevent or minimise any of the following—
    - (i) loss of human life;
    - (ii) illness or injury to humans;
    - (iii) property loss or damage;
    - (iv) damage to the environment.
- (2) Before declaring the disaster situation, the district disaster coordinator must take reasonable steps to consult with—
  - (a) the district group for the disaster district; and
  - (b) each local government whose area is in, or partly in, the declared area for the disaster situation.
- (3) A failure to consult under subsection (2) does not affect the validity of the declaration.

---

## **65 Form and notice of declaration**

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

## **66 Duration**

The disaster situation—

- (a) starts when it is declared under section 64(1); and

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

## **67 Extending disaster situation**

- (1) A regulation may extend, or from time to time further extend, the period of the disaster situation.
- (2) A regulation made under this section commences on the day it is made whether or not it is notified on that day.
- (3) A regulation extending the period of the disaster situation—
  - (a) must state—
    - (i) the period, of not more than 14 days, by which the disaster situation is extended; and
    - (ii) if the disaster situation has previously been extended under this section or section 67A—the date of each previous extension; and
  - (b) expires at the end of the stated period unless it is sooner repealed or it expires under section 68(4).
- (4) Subsection (2) applies despite the *Statutory Instruments Act 1992*, section 32.

## **67A Declaration extending disaster situation**

- (1) This section applies for a disaster situation declared under section 64 if the Minister and the Premier are satisfied—
  - (a) the disaster situation should be extended or further extended; and
  - (b) it is not practicable to make a regulation under section 67 before the day the disaster situation ends.

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

## **68 Ending disaster situation**

- (1) As soon as the Minister is satisfied it is no longer necessary for the district disaster coordinator or a declared disaster officer to exercise declared disaster powers for the disaster situation, the Minister must end the disaster situation.
- (2) If the Minister ends the disaster situation under subsection (1)—
  - (a) the Minister must—
    - (i) make a written record of the time and date the disaster situation ended; and
    - (ii) immediately inform the chairperson of the State group and the relevant district disaster coordinator of the ending of the disaster situation; and

- (b) the district disaster coordinator must, immediately after being informed under paragraph (a)(ii), inform the declared disaster officers exercising declared disaster powers for the disaster situation of the ending of the disaster situation.
- (3) Also, the Minister must as soon as practicable give notice of the ending of the disaster situation, and when it ended, by gazette notice.
- (4) A regulation extending or further extending a disaster situation expires when the disaster situation ends under this section.

## **Subdivision 2 Declaration of disaster situation by Minister and Premier**

### **69 Declaration**

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

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

### **70 Form and notice of declaration**

- (1) A declaration of a disaster situation under section 69 must be in the approved form.



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

## 71 Duration

The disaster situation—

- (a) starts when it is declared under section 69; and
- (b) unless either of the following happens, ends 14 days after the day it is declared—
  - (i) the Minister and the Premier sooner end the disaster situation under section 73(1);

- (ii) a regulation under section 72 or a declaration under section 72A extends the period of the disaster situation beyond the end of the 14 days.

## **72 Extending disaster situation**

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

## **72A Declaration extending disaster situation**

- (1) This section applies for a disaster situation declared under section 69 if the Minister and the Premier are satisfied—
  - (a) the disaster situation should be extended or further extended; and
  - (b) it is not practicable to make a regulation under section 72 before the day the disaster situation ends.
- (2) The Minister and the Premier may, by declaration, extend the period of the disaster situation.
- (3) The declaration must—
  - (a) be in the approved form; and

- (b) state—
  - (i) the time and date of the declaration; and
  - (ii) the period, of not more than 7 days, by which the disaster situation is extended.
- (4) As soon as practicable after the extension is declared, the Minister and Premier must give notice of the declaration by gazette notice.
- (5) The gazette notice must include the time and date of the declaration.
- (6) A declaration under this section—
  - (a) may be made more than once for a particular disaster situation; but
  - (b) can not be made consecutively to extend and further extend the disaster situation.

### **73 Ending disaster situation**

- (1) As soon as the Minister and the Premier are satisfied it is no longer necessary for a district disaster coordinator or a declared disaster officer to exercise declared disaster powers for the disaster situation, the Minister and the Premier must end the disaster situation.
- (2) If the Minister and the Premier end the disaster situation under subsection (1)—
  - (a) the Minister must—
    - (i) make a written record of the time and date the disaster situation ended; and
    - (ii) immediately inform the chairperson of the State group of the ending of the disaster situation; and
  - (b) the chairperson of the State group must, immediately after being informed under paragraph (a)(ii), inform the relevant district disaster coordinators and the declared disaster officers exercising declared disaster powers for

the disaster situation of the ending of the disaster situation.

- (3) Also, the Minister must as soon as practicable give notice of the ending of the disaster situation, and when it ended, by gazette notice.
- (4) A regulation extending or further extending a disaster situation expires when the disaster situation ends under this section.

## **Division 2                    Authorising persons, and powers,    for disaster situations**

### **Subdivision 1           Preliminary**

#### **74            Application of div 2**

This division applies if a disaster situation is declared.

### **Subdivision 2           Authorising persons to exercise    declared disaster powers**

#### **75            Authorisation for disaster situation**

- (1) The chairperson of the State group, or a relevant district disaster coordinator for the disaster situation, may authorise any of the following persons to exercise declared disaster powers for the disaster situation—
  - (a) an ambulance officer;
  - (b) a fire officer;
  - (c) a health officer;
  - (d) a person who is a member of a class of persons the chairperson or relevant district disaster coordinator is

satisfied has the necessary expertise or experience to exercise the powers.

- (2) Also, a police officer may exercise declared disaster powers for the disaster situation.
- (3) An authorisation under subsection (1)—
  - (a) may be general or limited to a particular, or a particular class of, ambulance officer, fire officer, health officer or other person; and
  - (b) may be given on conditions; and
  - (c) may be given orally or in writing but if given orally must be put in writing as soon as reasonably practicable.
- (4) A failure to put an authorisation in writing under subsection (3)(c) does not invalidate the authorisation or anything done under the authorisation.

*Note—*

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

### **Subdivision 3 Powers of district disaster coordinators and declared disaster officers**

#### **76 General provision about powers**

- (1) A relevant district disaster coordinator, or a declared disaster officer, for the disaster situation has the powers given under this subdivision.
- (2) However, a relevant district disaster coordinator or a declared disaster officer may exercise a power only—
  - (a) during the period of the disaster situation; and
  - (b) to do any of the following—
    - (i) ensure public safety or public order;

[s 77]

---

- (ii) prevent or minimise loss of human life, or illness or injury to humans or animals;
  - (iii) prevent or minimise property loss or damage, or damage to the environment;
  - (iv) otherwise prepare for, respond to, or recover from, the disaster situation.
- (3) Also, a declared disaster officer may exercise a power only subject to the conditions, if any, on which the person is authorised.
- (4) In addition—
  - (a) if a declared disaster officer is a non-government ambulance officer, the officer is subject to the directions of a government ambulance officer; and
  - (b) if a declared disaster officer is a non-government fire officer, the officer is subject to the directions of a government fire officer; and
  - (c) if a declared disaster officer is a non-government health officer, the officer is subject to the directions of a government doctor.

## **77 General powers**

- (1) A relevant district disaster coordinator or a declared disaster officer may do all of the following—
  - (a) control the movement of persons, animals or vehicles within, into, out of or around the declared area for the disaster situation;
  - (b) give a direction to a person to regulate the movement of the person, an animal or a vehicle within, into, out of or around the declared area;
  - (c) evacuate persons or animals from the declared area or a part of the area;
  - (d) enter a place in the declared area;

- 
- (e) take into a place in the declared area the equipment, persons or materials the officer reasonably requires for exercising a power under this subdivision;
  - (f) contain an animal or substance within the declared area;
  - (g) remove or destroy an animal, vegetation or substance within the declared area;
  - (h) remove, dismantle, demolish or destroy a vehicle, or a building or other structure, in the declared area;
  - (i) use, close off or block a facility for drainage;
  - (j) shut off or disconnect a supply of fuel, gas, electricity or water, and take and use the fuel, gas, electricity or water;
  - (k) turn off, disconnect or shut down any motor or equipment;
  - (l) open a container or other thing, or dismantle equipment;
  - (m) excavate land or form tunnels;
  - (n) build earthworks or temporary structures, or erect barriers;
  - (o) close to traffic any road;
  - (p) maintain, restore, or prevent destruction of, essential services;
  - (q) require a person to give the relevant district disaster coordinator or declared disaster officer reasonable help to exercise the coordinator's or officer's powers under this subdivision.
- (2) However, a declared disaster officer may exercise a power under subsection (1)(h) in relation to a building or other structure only with the written approval of a relevant district disaster coordinator.
- (3) A relevant district disaster coordinator or a declared disaster officer may enter a place in the declared area without a warrant or the consent of the occupier of the place.
- (4) Also, a relevant district disaster coordinator or a declared disaster officer may exercise a power under this subdivision

[s 78]

---

with the help, and using the force, that is reasonable in the circumstances.

- (5) When giving a direction or making a requirement mentioned in subsection (1)(b) or (q), a relevant district disaster coordinator or a declared disaster officer must warn the person it is an offence to fail to comply with the direction or requirement unless the person has a reasonable excuse.

*Note—*

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

- (6) In this section—

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

## **78 Power to give direction about property**

- (1) A relevant district disaster coordinator or a declared disaster officer may direct the owner of any property, by notice in the approved form given to the owner, to put the property under the control, or at the disposal, of a person stated in the notice.
- (2) However, if the property is residential premises or business premises, a declared disaster officer may give a person a direction under subsection (1) only with the written approval of a relevant district disaster coordinator.
- (3) When giving a direction under subsection (1), a relevant district disaster coordinator or a declared disaster officer must warn the person it is an offence to fail to comply with the direction unless the person has a reasonable excuse.

*Note—*

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

## **79 Requirements for direction about property**

- (1) The approved form under section 78(1) must include provision for the following—





persons, using the resources available to the local government, to effectively deal with, or help another entity to deal with, an emergency situation or a disaster in the local government's area.

## **Part 9 Authorising persons to exercise rescue powers in particular circumstances**

### **Division 1 Authorising persons to exercise rescue powers**

#### **110 Authorising persons to exercise rescue powers**

- (1) This section applies if the chairperson of the State group or a district disaster coordinator is satisfied on reasonable grounds it is necessary to act as mentioned in subsection (2) to ensure the following are carried out effectively—
  - (a) rescue or similar operations in an emergency situation;
  - (b) other operations in an emergency situation to—
    - (i) help injured persons; or
    - (ii) protect persons or property from danger or potential danger associated with the emergency situation.
- (2) The chairperson or district disaster coordinator may authorise a person to exercise rescue powers in relation to the emergency situation if satisfied the person has the necessary expertise or experience to exercise the rescue powers.
- (3) An authorisation under subsection (2)—
  - (a) may be given on conditions; and
  - (b) may be given orally or in writing but if given orally must be put in writing as soon as reasonably practicable.



## **112 General powers**

- (1) This section applies if, under section 111(1), a person enters a place.
- (2) The person may take reasonable steps to avoid the imminent risk of death or injury of a person.
- (3) If it is reasonable in the circumstances, the person may do all of the following having regard to the purpose of the entry—
  - (a) search any part of the place;
  - (b) open, using reasonable force, a container or other thing at the place;
  - (c) remove any thing from the place;
  - (d) destroy or damage premises, a vehicle, container or other thing;
  - (e) take into or onto the place the equipment, persons or materials the person reasonably requires to exercise a power under this section;
  - (f) direct another person to leave, or not to enter, an area in or near the place if the person considers the direction is necessary to protect a person's life or health;
  - (g) require someone at or near the place, to give the person reasonable help to exercise the person's powers under paragraphs (a) to (e).
- (4) When giving a direction or making a requirement mentioned in subsection (3)(f) or (g), the person must warn the other person it is an offence to fail to comply with the direction or requirement unless the other person has a reasonable excuse.

*Note—*

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

---

## **Part 10                      Offence provisions**

### **Division 1                      Preliminary**

#### **113      Definition for pt 10**

In this part—

*authorised person* means any of the following—

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

### **Division 2                      Offences**

#### **114      Impersonation of authorised person**

A person must not pretend to be an authorised person.

Maximum penalty—100 penalty units.

#### **115      Obstruction of authorised person**

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

Maximum penalty—100 penalty units.

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

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

- (3) In this section—

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

### **116 Failure to comply with direction**

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

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

Maximum penalty—100 penalty units.

### **117 Failure to help particular persons**

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

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

Maximum penalty—100 penalty units.

---

## **Part 11                      Provisions about    compensation and policies of    insurance**

### **Division 1                      Compensation**

#### **Subdivision 1                Preliminary**

#### **119      Entitlement to compensation**

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

#### **120      When compensation is not payable**

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

## **Subdivision 2      Application and decision about compensation**

### **121      Applying for compensation**

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

### **122      Lapsing of application**

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



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

### **123 Deciding application**

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

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

### **124 Notice about decision**

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

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

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

### **Subdivision 3      Review of decision**

#### **125      Review of a decision to pay compensation**

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

### **Division 2              Policies of insurance**

#### **130      Extension of policy of insurance**

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

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

## **Part 12                      Legal proceedings**

### **Division 1                      Evidence**

#### **131      Application of div 1**

This division applies to a proceeding under this Act.

#### **132      Appointments and authority**

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

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

### **133 Signatures**

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

### **134 Other evidentiary aids**

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

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

---

## Division 2                      Offence proceedings

### 135      **Summary proceedings for offence**

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

### 136      **Statement of complainant's knowledge**

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

## Part 13                              Miscellaneous

### 139      **Confidentiality**

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

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply if the information is disclosed or used, or a record of the information is made—

- (a) under this Act; or
- (b) as permitted or required under another Act; or
- (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

#### **142 Chief executive to insure particular persons**

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

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

#### **143 Delegations**

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

*Note—*

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

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

## **144 Protection from liability**

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

[s 145]

---

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

#### **145 Appointments**

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

#### **146 Arrangements for identification**

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

#### **147 Approval of forms**

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

#### **148 Regulation-making power**

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



- (b) identify the area of the disaster districts.

## **Part 14                      Repeal and transitional provisions**

### **Division 1                      Repeal**

#### **149      Repeal of State Counter-Disaster Organisation Act 1975**

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

### **Division 2                      Transitional provisions for Act No. 91 of 2003**

#### **Subdivision 1              Preliminary**

#### **150      Definitions for div 2**

In this division—

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

*commencement* means the day this section commences.

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

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

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

## **Subdivision 2 Transitional references**

### **151 References to repealed Act**

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

### **152 References to former SES**

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

## **Subdivision 3 Other transitional provisions**

### **153 Members of central control group**

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

### **154 Chairperson of central control group**

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

### **155 Executive officer of central control group**

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

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

### **156 Members of former SES**

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

### **157 Authorised officers under the repealed Act**

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

### **158 Former disaster districts**

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

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

### **159 Disaster district coordinators**

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

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

### **160 Other members of former control groups**

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

### **161 Particular local governments under the repealed Act**

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

### **162 Provision about declaration under the repealed Act**

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

regulation under this Act or otherwise ends under the repealed Act.

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

### **163 Compensation for exercise of powers under the repealed Act**

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

### **164 Application for compensation under the repealed Act**

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

- (2) The person may apply for compensation under the repealed Act as if this Act had not commenced.

### **165 Local controllers under the repealed Act**

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

## **Division 3 Other transitional provisions**

### **Subdivision 1 Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010**

#### **166 Definitions for sdiv 1**

In this subdivision—

*commencement* means the commencement of this section.

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

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

---

**167 Continuance of particular member of State group**

- (1) This section applies to a person who, immediately before the commencement, held an appointment as a member of the State group under repealed section 19(1)(c).
- (2) From the commencement, the person continues as a member of the group, until the appointment ends under this Act, as if the person had been appointed under new section 19(1)(d).

**168 Deputy chairperson of State group**

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

**169 Executive officer of State group**

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

**170 District disaster coordinator and chairperson of district group**

- (1) This section applies to a person who, immediately before the commencement, held an appointment as the district disaster

coordinator and chairperson of a district group under repealed section 25.

- (2) From the commencement, the person continues as district disaster coordinator and chairperson of the district group, as if the person had been appointed as chairperson under new section 25(1)(a), until—
  - (a) the person's appointment as a member of the group ends under this Act; or
  - (b) the person's appointment as chairperson ends under section 25.

### **171 Deputy chairperson of district group**

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

### **172 Executive officer of district group**

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



- (b) the person's appointment as executive officer ends under section 27.

### **173 SES units**

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

## **Subdivision 2 Transitional provisions for Disaster Management and Another Act Amendment Act 2014**

### **174 Definitions for sdiv 2**

In this subdivision—

*continuing group* means—

- (a) a district group; or  
(b) a temporary district group; or  
(c) a local group.

*former State group* means the State Disaster Management Group in existence under section 17 immediately before the commencement.

### **175 Dissolution of former State group**

On the commencement—

- (a) the former State group is dissolved; and  
(b) the members, chairperson and deputy chairperson of the former State group go out of office.

## **176 References to former State group**

In an Act or document, a reference to the former State group may, if the context permits, be taken as a reference to the Queensland Disaster Management Committee established under section 17.

## **177 Continuation of State disaster management plan**

The State disaster management plan in existence immediately before the commencement is taken to have been prepared by the Queensland Disaster Management Committee established under section 17.

## **178 Continuation of State disaster coordinator and State recovery coordinator**

- (1) This section applies to a person who, immediately before the commencement, was a State disaster coordinator or a State recovery coordinator.
- (2) The person continues as a State disaster coordinator or State recovery coordinator under this Act.

## **179 Continuation of membership of continuing groups**

- (1) A person who, immediately before the commencement, was a member of a continuing group, continues as a member of the group under this Act.
- (2) For this Act, the person is taken to have been prescribed by regulation to be a member of the group.

## **180 Continuation of chairpersons and deputy chairpersons of continuing groups**

- (1) This section applies to a person who, immediately before the commencement, was the chairperson or deputy chairperson of a continuing group.

- (2) The person continues as the chairperson or deputy chairperson of the continuing group under the Act.
- (3) For this Act, the person is taken to have been prescribed by regulation to be the chairperson or deputy chairperson of the group.

### **Subdivision 3      Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2016**

#### **181      Notices about deemed approvals for existing development applications**

- (1) This section applies to an existing development application mentioned in former section 20B(2).
- (2) The chairperson of the State group may give a written notice under former section 20B(2) for the application as if the amending Act had not been enacted.
- (3) If, before the commencement, a notice (an *existing notice*) was given under former section 20B(2) for the application, the notice continues in effect as if the amending Act had not been enacted.
- (4) Former section 20B(4) to (6) continues to apply in relation to a notice given under subsection (2) or an existing notice, as if the amending Act had not been enacted.
- (5) In this section—

*amending Act* means the *Planning (Consequential) and Other Legislation Amendment Act 2016*.

*existing development application* means a development application made under the repealed *Sustainable Planning Act 2009*, to which the *Planning Act 2016*, section 288 applies.

*former*, in relation to a provision, means the provision as in force immediately before the provision was amended or repealed under the amending Act.

## Schedule Dictionary

### section 11

***ambulance officer*** means—

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

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

***area***, of a local group, means—

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

***authorised person***, for part 10, see section 113.

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

***chairperson*** means—

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

***combined local government***—

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

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

***declared area*** means—

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

***declared disaster officer***, for a disaster situation, means—

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

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

***disaster*** see section 13.

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

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

***disaster management*** see section 14.

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

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

***disaster management plan*** means a plan prepared under part 3.

***disaster management standard*** see section 16N.

***disaster operations*** see section 15.

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

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

***district disaster management plan*** see section 53(1).

***district group*** see section 22.

***event*** see section 16.

***executive officer***—

- (a) for part 2, division 1—see section 21; or
- (b) for part 2, division 2—see section 28.

***fire officer*** means—

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

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

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

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

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

***government doctor*** means a person who is—

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

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

***government health officer*** means—

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

***government nurse*** means a person who is—

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

**health officer** means—

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

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

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

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

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

**local disaster management plan** see section 57(1).

**local group** see section 29.

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

**non-government doctor** means a person—

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

(b) who is not a government doctor.

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

**non-government health officer** means—

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

**non-government nurse** means a person—

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

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

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

**place** includes—

- (a) land or premises; and
- (b) a vehicle.

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

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

- (a) providing relief measures to assist persons affected by the disaster who do not have the resources to provide for their own financial and economic wellbeing;
- (b) restoring essential infrastructure in the area or areas affected by the disaster;



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

***relevant district disaster coordinator*** means—

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

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

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

*Note—*

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

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

***rescue powers*** means the powers under sections 111 and 112.

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

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

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

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

***State disaster management plan*** see section 49(1).

***State group*** see section 17.

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

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

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