

Queensland



**EMERGENCY SERVICES
LEGISLATION AMENDMENT
ACT 2002**

Act No. 60 of 2002

Queensland



EMERGENCY SERVICES LEGISLATION AMENDMENT ACT 2002

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Queensland



**Emergency Services Legislation Amendment
Act 2002**

Act No. 60 of 2002

*An Act to amend the Ambulance Service Act 1991, Fire and Rescue
Service Act 1990 and State Counter-Disaster Organisation Act 1975*

[Assented to 14 November 2002]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Emergency Services Legislation Amendment Act 2002*.

2 Commencement

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

PART 2—AMENDMENT OF AMBULANCE SERVICE ACT 1991

3 Act amended in pt 2

This part amends the *Ambulance Service Act 1991*.

4 Amendment of s 2 (Definitions)

(1) Section 2, ‘In this Act—’—

omit, insert—

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

(2) Section 2—

insert—

‘**“constitution”**, of a committee, means the committee’s constitution under this Act.’.

(3) Section 2, definitions (as amended)—

relocate to the schedule as inserted by this Act.

5 Amendment of s 4A (Acting commissioner)

(1) Section 4A, ‘Governor in Council’—

omit, insert—

‘Minister’.

(2) Section 4A—

insert—

‘(2) The Minister’s power to appoint a person to act in the office of commissioner does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) and (v).¹

6 Amendment of s 28 (Constitution)

(1) Section 28, heading—

omit, insert—

‘28 Conduct of business’.

(2) Section 28(1) to (3)—

omit, insert—

‘(1) Subject to its constitution, a committee may conduct its business, including its meetings, in the way it considers appropriate.’.

(3) Section 28(4)—

renumber as section 28(2).

7 Amendment of s 29 (Members of committees)

(1) Section 29(1)(a) and (2)(a), ‘administrative’—

omit.

(2) Section 29—

insert—

‘(2A) Also, a person is not eligible to be a member of a committee while the person is a member of another committee.’.

¹ *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

(3) Section 29(3), ‘5 other’—

omit, insert—

‘11 other’.

(4) Section 29—

insert—

‘(3A) Despite subsection (3), a committee may consist of more than 11 other members if the Minister is satisfied additional members are required to ensure the community is adequately represented on the committee.’.

(5) Section 29(4), from ‘manner’—

omit, insert—

‘way stated in the committee’s constitution, from members of the public.’.

(6) Section 29(9), from ‘dismiss’ to ‘committee,’—

omit, insert—

‘remove a member of a committee from office’.

(7) Section 29(9), after ‘to do so’—

insert—

‘and has consulted the committee about the removal’.

8 Insertion of new s 29A

After section 29—

insert—

‘29A Dealing with vacancy in office of a member

‘(1) This section applies if a vacancy arises in the office of a member of a committee (the **“first member”**).

‘(2) Despite section 29(1), the remaining members of the committee may appoint a subscriber (a **“replacement member”**) to the office.

‘(3) Subject to section 29(2), (2A) and (9) and section 35, a replacement member holds office for the balance of the first member’s term of office.

‘(4) In this section—

“**subscriber**” does not include a person who is not eligible to be a member of a committee under section 29(2) or (2A).’.

9 Insertion of new pt 4, div 3

Part 4, after section 31—

insert—

Division 3—Other matters about committees

‘31A Minister may approve or amend constitution

‘(1) The Minister may approve a constitution for the conduct of a committee’s business.

‘(2) Without limiting subsection (1), the constitution may provide for the following—

- (a) the election of committee members;
- (b) the term of office of a committee member;
- (c) the times and places of committee meetings;
- (d) the quorum for meetings;
- (e) other matters the Minister considers relevant to the conduct of a committee’s business.

‘(3) The Minister may amend the constitution approved under subsection (1).

‘(4) The constitution as approved and amended from time to time under this section is the constitution for each committee.

‘31B Commissioner to give constitution to committees

‘(1) The commissioner must give a copy of the constitution to each committee as soon as practicable after it is approved under section 31A(1).

‘(2) Also, if a committee is established after the commencement of this section, the commissioner must give a copy of the constitution to the committee as soon as practicable after it is established.

‘(3) If the Minister amends the constitution, the commissioner must, as soon as practicable after it is amended, give each committee—

- (a) a written notice stating the amendment; or
- (b) a copy of the amended constitution.’.

10 Insertion of new pt 8, div 4

Part 8—

insert—

‘Division 4—Provisions for Emergency Services Legislation Amendment Act 2002

‘87 Definitions for div 4

In this division—

“**approval day**” means the day the Minister approves, under section 31A(1), the constitution for the conduct of a committee’s business.

“**former constitution**”, of a committee, means the committee’s constitution immediately before the approval day.

‘88 Former constitution ceases to apply

‘On the approval day, a committee’s former constitution ceases to apply to the committee.

‘89 Committee members continue in office

‘(1) This section applies to a person who, immediately before the approval day, is a member of a committee.

‘(2) Subject to section 29(2), (2A) and (9) and section 35,² the person continues as a member of the committee, unless the person earlier resigns—

2 Sections 29 (Members of committees) and 35 (Dissolution of committees)

- (a) for the period the person would have been a member under the committee's former constitution; or
- (b) until the end of any longer period specified under section 29(6).

‘90 Office holders continue to hold office

‘(1) This section applies to a person who, immediately before the approval day, holds an office mentioned in section 29(3)(a) to (d) for a committee.

‘(2) Subject to section 29(2), (2A) and (9) and section 35, the person continues to hold the office, unless the person earlier resigns—

- (a) for the period the person would have been a member of the committee under the committee's former constitution; or
- (b) until the end of any longer period specified under section 29(6).

‘91 Minister must notify approval day

The Minister must notify the approval day by a gazette notice.’.

PART 3—AMENDMENT OF FIRE AND RESCUE SERVICE ACT 1990

11 Act amended in pt 3

This part amends the *Fire and Rescue Service Act 1990*.

12 Amendment of s 6 (Definitions)

(1) Section 6, ‘In this Act—’—

omit, insert—

‘The dictionary in schedule 6 defines particular words used in this Act.’.

(2) Section 6, definition “chemical incident”—

omit.

(3) Section 6—

insert—

‘**“ADG Code”** means the Australian Code for the Transport of Dangerous Goods by Road and Rail approved by the Ministerial Council for Road Transport, as in force from time to time.

“chemical” see the *Environmental Protection Regulation 1998*, schedule 9.

“combustible liquid” means a combustible liquid under the flammable and combustible liquids standard.

“dangerous goods” means goods defined under the ADG Code as dangerous goods or goods too dangerous to be transported.

“environment” includes—

- (a) ecosystems and their constituent parts; and
- (b) all natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- (d) the social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

“flammable and combustible liquids standard” see the *Dangerous Goods Safety Management Act 2001*, schedule 2.³

“hazardous material” means—

- (a) all dangerous goods, combustible liquids and chemicals; or
- (b) any other substance with potential to cause harm to persons, property or the environment because of 1 or more of the following—
 - (i) the chemical properties of the substance;

3 *Dangerous Goods Safety Management Act 2001*, schedule 2—

“flammable and combustible liquids standard” means—

- (a) if a standard is prescribed under a regulation as a flammable and combustible liquids standard—that standard; or
- (b) otherwise—AS 1940.

- (ii) the physical properties of the substance;
- (iii) the biological properties of the substance.

“hazardous materials emergency” means a situation involving hazardous materials or suspected hazardous materials that includes a loss of control, or an imminent risk of loss of control, of the materials or a loss of control of anything that may impact on the materials if the loss of control causes, or the loss of control or imminent risk of loss of control has the potential to cause, material harm to persons, property or the environment.’

(4) Section 6, definitions (as amended)—

relocate to schedule 6 as inserted by this Act.

13 Amendment of s 8B (Functions of service)

(1) Section 8B(a), ‘chemical incidents’—

omit, insert—

‘hazardous materials emergencies’.

(2) Section 8B(c)(ii), ‘chemical incident’—

omit, insert—

‘hazardous materials emergency’.

14 Amendment of s 11 (Acting commissioner)

(1) Section 11, ‘Governor in Council’—

omit, insert—

‘Minister’.

(2) Section 11—

insert—

‘(2) The Minister’s power to appoint a person to act in the office of commissioner does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) and (v).⁴

⁴ *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

15 Amendment of s 36 (Membership of council)

Section 36(1), '14 members'—

omit, insert—

'16 members'.

16 Amendment of s 53 (Powers of authorised officer in dangerous situations)

Section 53(1)(a), 'chemical incident'—

omit, insert—

'hazardous materials emergency'.

17 Amendment of s 55 (Powers of authorised officer for preventative or investigative purposes)

Section 55(1)(a), (c) and (2), 'chemical incident'—

omit, insert—

'hazardous materials emergency'.

18 Omission of s 94 (Interpretation of part)

Section 94—

omit.

19 Amendment of s 97 (Off-site emergency plans)

Section 97(4), 'chemical incident'—

omit, insert—

'hazardous materials emergency'.

20 Amendment of s 144 (Charges for services)

Section 144(5), 'chemical incident'—

omit, insert—

'hazardous materials emergency'.

PART 4—AMENDMENT OF STATE COUNTER-DISASTER ORGANISATION ACT 1975

21 Act amended in pt 4

This part amends the *State Counter-Disaster Organisation Act 1975*.

22 Amendment of s 25 (Powers upon declaration of state of disaster)

(1) Section 25(1)(a)(ii), ‘effect of the disaster’—

omit, insert—

‘effects of the disaster, or minimise the potential effects of the impending disaster.’.

(2) Section 25(1)(a)(iii) and (b)(i), after ‘disaster’—

insert—

‘or minimise the potential effects of the impending disaster’.

(3) Section 25(1)(a)(v), after ‘disaster’—

insert—

‘, or potential effects of the impending disaster’.

PART 5—OTHER AMENDMENTS

23 Minor amendments

The schedule amends the Acts it mentions.

SCHEDULE**MINOR AMENDMENTS**

section 23

AMBULANCE SERVICE ACT 1991**1 Part 4, before section 26—***insert—**‘Division 1—Establishment and functions of committees’.***2 Part 4, before section 28—***insert—**‘Division 2—Conduct of business and membership of committees’.***3 After section 91, as inserted by this Act—***insert—***‘SCHEDULE****‘DICTIONARY**

section 2’.

SCHEDULE (continued)

FIRE AND RESCUE SERVICE ACT 1990**1 Section 64(2), from ‘issued’ to ‘adjoining’—***omit, insert—*

‘given to the occupier of adjoining land prohibiting the lighting of fires on the adjoining’.

2 Section 104A—*insert—*

‘“IPA” means the *Integrated Planning Act 1997*.’.

3 After schedule 5—*insert—***‘SCHEDULE 6****‘DICTIONARY**

section 6’.