



Queensland

# **Disaster Management and Another Act Amendment Bill 2014**

**Includes amendments agreed during Consideration**





Queensland

# Disaster Management and Another Act Amendment Bill 2014

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# 2014

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## A Bill

for

**An Act to amend the *Child Protection (Offender Prohibition Order) Act 2008* and the *Disaster Management Act 2003* and to make a regulation under the *Disaster Management Act 2003* for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Disaster Management and Another Act Amendment Act 2014*.

## **Part 2 Amendment of the Disaster Management Act 2003**

### **2 Act amended**

This part amends the *Disaster Management Act 2003*.

### **3 Replacement of pt 2, div 1, hdg (State Disaster Management Group)**

Part 2, division 1, heading—

*omit, insert—*

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

### **4 Replacement of s 17 (Establishment)**

Section 17—

*omit, insert—*

#### **17 Establishment**

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

---

**5 Amendment of s 18 (Functions)**

Section 18(e), ‘to the Minister’—

*omit, insert—*

that the State group considers appropriate

**6 Replacement of ss 19 and 20**

Sections 19 and 20—

*omit, insert—*

**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—

[s 7]

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- (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.

## **7 Amendment of s 21B (State disaster coordinator)**

- (1) Section 21B(1)—

*omit, insert—*

- (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) Section 21B(5) to (8)—

*omit.*

## **8 Amendment of s 21D (State recovery coordinator)**

- (1) Section 21D(1), after ‘if’—

*insert—*

the chairperson is satisfied that
- (2) Section 21D(1)(a), from ‘after consulting’ to ‘that’—

*omit.*
- (3) Section 21D(1)(b), from ‘after consulting’ to ‘satisfied’—

*omit.*
- (4) Section 21D(3), ‘, after consulting with the chief executive,’—

*omit.*

## **9 Replacement of ss 24 and 25**

Sections 24 and 25—

*omit, insert—*

[s 10]

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## **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—
  - (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.

## **10 Replacement of ss 28B and 28C**

Sections 28B and 28C—

*omit, insert—*

### **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.

## **11 Replacement of ss 33 and 34**

Sections 33 and 34—

*omit, insert—*

### **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

[s 12]

---

- (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—
  - (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.

## **12 Amendment of s 37 (Notice about membership of local group)**

Section 37(b), after ‘chairperson’—

*insert—*

of the district group

## **13 Replacement of ss 38–43**

Sections 38 to 43—

*omit, insert—*

### **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

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its business, including its meetings, in the way it considers appropriate.

**14 Amendment of s 44 (Annual report)**

(1) Section 44(1)—

*omit, insert—*

- (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) Section 44(2)(d), ‘Minister’—

*omit, insert—*

State group

**15 Omission of s 45 (Minister may give directions)**

Section 45—

*omit.*

**16 Amendment of s 48 (Committees)**

(1) Section 48(1) and (2), after ‘The Minister’—

*insert—*

or chairperson of the State group

(2) Section 48(1)(c), after ‘the Minister’—

*insert—*

or chairperson of the State group

**17 Amendment of s 143 (Delegations)**

Section 143(1), ‘45(1),’—

*omit.*

[s 18]

---

**18 Replacement of pt 14, div 2, sdiv 4, hdg (Transitional provisions for Disaster Management and Other Legislation Amendment Act 2010)**

Part 14, division 2, subdivision 4, heading—

*omit, insert—*

|                   |                                      |
|-------------------|--------------------------------------|
| <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> |
|----------------------|---|

**19 Amendment of s 166 (Definitions for sdiv 4)**

Section 166, heading, ‘sdiv 4’—

*omit, insert—*

**sdiv 1**

**20 Insertion of new pt 14, div 3, sdiv 2**

After section 173—

*insert—*

|                      |   |
|----------------------|---|
| <b>Subdivision 2</b> | <b>Transitional provisions for Disaster Management and Another Act Amendment Act 2014</b> |
|----------------------|---|

**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.

[s 21]

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- (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.

## **21 Amendment of schedule (Dictionary)**

Schedule, definition *chairperson*—

*omit, insert*—

*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.

## **Part 3                      Other matters**

### **22            Making of Disaster Management Regulation 2014**

- (1) Schedule 1 has effect to make the *Disaster Management Regulation 2014* that is set out in schedule 1 as a regulation under the *Disaster Management Act 2003*.
- (2) To remove any doubt, it is declared that the *Disaster Management Regulation 2014*, on the commencement of schedule 1, stops being a provision of this Act and becomes a regulation made under the *Disaster Management Act 2003*.

### **23            Automatic repeal**

For the purpose of the *Acts Interpretation Act 1954*, section 22C, this Act is an amending Act.



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# Schedule 1      **Disaster Management Regulation 2014**

section 22

## **Part 1                      Preliminary**

### **1            Short title**

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

## **Part 2                      Disaster management groups—membership and other matters**

### **2            Members of State group—Act, s 19**

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

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

- (vi) the *Transport Operations (Road Use Management) Act 1995*.

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

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

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

For section 20(1) of the Act—

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

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**5 Membership of district groups—Act, s 24**

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

Schedule 1

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

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

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

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

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

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

- (1) For section 28C(2) of the Act, the chairperson and deputy chairperson of a temporary district group are the persons appointed by the chairperson of the State group to be the chairperson and deputy chairperson.
- (2) The chairperson of the State group may appoint a person under subsection (1) only—
  - (a) after consulting with the commissioner of the police service; and
  - (b) if the chairperson is satisfied the person has the necessary expertise or experience to perform the

functions and exercise the powers of a chairperson or deputy chairperson.

**9 Membership of local groups—Act, s 33**

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

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

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



### **13 Quorum**

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

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

### **14 Meeting deputies for particular members**

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

### **15 Deputies for officials of State group**

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

---

**16 Presiding at meetings**

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

**17 Conduct of meetings**

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

*Example of use of technology—*

teleconferencing

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

**18 Minutes**

A disaster management group must keep minutes of its meetings.

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