



Queensland

# State Emergency Service Act 2024

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# State Emergency Service Act 2024

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Main purpose of Act . . . . .	5
4	Act binds all persons . . . . .	5
5	Definitions . . . . .	6
<b>Part 2</b>	<b>State Emergency Service</b>	
<b>Division 1</b>	<b>Establishment, functions, powers and membership</b>	
6	Establishment of SES . . . . .	6
7	Functions and powers . . . . .	6
8	Membership . . . . .	7
<b>Division 2</b>	<b>Functions of commissioner and related matters</b>	
9	Functions . . . . .	8
10	Commissioner may make code of practice . . . . .	8
11	Agreements between commissioner and local government about SES and SES employees . . . . .	9
<b>Division 3</b>	<b>SES members</b>	
<b>Subdivision 1</b>	<b>SES chief officer</b>	
12	Appointment of SES chief officer . . . . .	9
13	Functions and powers . . . . .	10
14	Acting SES chief officer . . . . .	10
15	Delegations . . . . .	10
<b>Subdivision 2</b>	<b>Other SES members</b>	
16	Appointment of other SES members . . . . .	11
17	Functions and powers of other SES members . . . . .	11
18	SES employees . . . . .	11
19	SES volunteers . . . . .	12

Contents

---

20	Commissioner to insure SES volunteers .....	12
21	Suspension of SES local government employee or SES volunteer .....	12
<b>Division 4</b>	<b>Arrangements for police officers</b>	
22	Secondment of police officers .....	13
<b>Division 5</b>	<b>SES units, local controllers and SES commanders</b>	
23	Establishment of SES units .....	14
24	Local controller of SES unit .....	15
25	Functions of local controller .....	16
26	SES commanders .....	17
27	Functions of SES commanders .....	18
<b>Part 3</b>	<b>Authorised rescue officers</b>	
<b>Division 1</b>	<b>Appointment</b>	
28	Appointment .....	19
29	Appointment conditions and limit on powers .....	19
30	Resignation .....	20
31	Issue of identity card .....	20
32	Production or display of identity card .....	20
33	Return of identity card .....	21
<b>Division 2</b>	<b>Powers of authorised rescue officers</b>	
34	Exercise of powers subject to direction of SES member .....	21
35	Powers for performing emergency-related SES function .....	21
36	Power of entry .....	23
37	Power to use force .....	23
<b>Part 4</b>	<b>Offences</b>	
38	Offence to assault or obstruct official .....	24
39	Failure to comply with direction of authorised rescue officer ....	24
40	Failure to comply with requirement to give authorised rescue officer reasonable help .....	25
41	Impersonating SES member or authorised rescue officer .....	25
42	Unauthorised use of confidential information .....	25
43	Using restricted expressions etc. ....	27
44	Warning device or light on SES vehicle .....	28
<b>Part 5</b>	<b>Miscellaneous</b>	
45	Protection from liability .....	28
46	Appointments and authority .....	29
47	Other evidentiary aids .....	29

48	Exemption from toll . . . . .	29
49	Regulation-making power . . . . .	30
<b>Part 6</b>	<b>Transitional and validation provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Emergency Services Reform Amendment Act 2024</b>	
50	Definitions for division . . . . .	30
51	Appointment of former SES member as new SES member . . . .	30
52	Continuation of former SES unit as new SES unit and appointment of local controller as new local controller . . . . .	31
53	Appointment of former SES coordinator as new SES commander	31
54	Appointment of former authorised rescue officer as new authorised rescue officer . . . . .	32
55	Preserved employment conditions . . . . .	32
56	Continuation of WorkCover insurance for SES volunteer . . . . .	33
57	References to former SES . . . . .	34
<b>Division 2</b>	<b>Validation provisions for Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Act 2025</b>	
58	Validation provision for purported appointment of former SES member 34	
59	Validation provision for purported appointment of particular SES members . . . . .	35
<b>Schedule 1</b>	<b>Dictionary . . . . .</b>	36



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# State Emergency Service Act 2024

## An Act to establish the State Emergency Service and for related purposes

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *State Emergency Service Act 2024*.

#### 2 Commencement

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

#### 3 Main purpose of Act

The main purpose of this Act is to establish the State Emergency Service to provide—

- (a) emergency services in the State; and
- (b) other related services to government entities and the community.

#### 4 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

## **5 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

# **Part 2 State Emergency Service**

## **Division 1 Establishment, functions, powers and membership**

### **6 Establishment of SES**

The State Emergency Service (the *SES*) is established.

### **7 Functions and powers**

(1) The functions of the SES are—

- (a) to perform rescue or similar operations in an emergency situation, including—
  - (i) helping injured persons; and
  - (ii) protecting persons, property or the environment from danger or potential danger associated with the situation; and

*Examples of rescue or similar operations in an emergency situation—*

- operations for rescuing persons from road crashes
  - operations for vertical rescues
  - operations requested by another entity providing emergency services in an emergency situation
- (b) to perform search operations in an emergency or similar situation; and

*Examples of search operations in situations similar to an emergency situation—*

- a search, whether carried out by land, air or water for a missing person
  - a search to find a weapon used in the commission of an alleged offence
- (c) to perform activities in response to a severe weather event; and
- (d) to perform other activities to help communities or other entities prepare for, respond to, recover from and enhance resilience to, an event or a disaster; and
- (e) to perform activities to raise the profile of the SES or raise funds to support the SES in the performance of its other functions; and
- (f) to provide services, and give help reasonably requested, in an emergency or another situation, as required of a member of the SES under any Act or law or the reasonable expectations of the community; and

*Example of providing a service for paragraph (g)—*

helping to manage pedestrian or vehicular traffic at a community event

- (g) to perform any other functions given to the SES under this Act or another Act.
- (2) The SES has power to do anything necessary or convenient to be done for the performance of its functions.

## **8 Membership**

- (1) The SES consists of the following persons—
- (a) the SES chief officer;
  - (b) SES employees;
  - (c) SES volunteers.
- (2) A person mentioned in subsection (1)(a), (b) or (c) is an ***SES member***.

## **Division 2                      Functions of commissioner and related matters**

### **9                      Functions**

The commissioner's functions relating to the SES are—

- (a) the establishment of SES units and the designation of areas for SES units; and
- (b) the appointment of persons as SES chief officer, local controllers, SES commanders and other SES members; and
- (c) the establishment of management and support services for the SES; and
- (d) the development of policies to help the SES perform its functions effectively and efficiently including, for example, policies about training SES members; and
- (e) the giving of directions and guidance to the SES chief officer, local controllers, SES commanders and SES members; and
- (f) the performance of any other function relating to the SES that is given to the commissioner under this Act or another Act.

### **10                      Commissioner may make code of practice**

- (1) The commissioner may make a code of practice about any of the following—
  - (a) the conduct or practice of SES members;
  - (b) the operation of SES units, to provide guidance to SES members;
  - (c) another matter the commissioner considers appropriate for the effective performance of the functions of—
    - (i) SES members; or

- (ii) SES units.
- (2) The commissioner must, as soon as practicable after making a code of practice—
  - (a) give a copy of the code to each SES unit; and
  - (b) publish the code on the department’s website.
- (3) To remove any doubt, it is declared that a code of practice issued by the commissioner under this section is a statutory instrument.

## **11 Agreements between commissioner and local government about SES and SES employees**

The commissioner may enter into an agreement with a local government about—

- (a) the responsibilities of each party in relation to the SES in the local government’s area; or
- (b) the performance of SES functions by persons employed by the local government.

## **Division 3 SES members**

### **Subdivision 1 SES chief officer**

## **12 Appointment of SES chief officer**

- (1) There is to be an SES chief officer for the SES.
- (2) The commissioner may appoint a person to be the SES chief officer only if the commissioner is satisfied the person is appropriately qualified to perform the functions and exercise the powers of the SES chief officer effectively and efficiently.
- (3) The SES chief officer is to be employed under the *Public Sector Act 2022*.

## **13 Functions and powers**

- (1) The SES chief officer has the following functions—
  - (a) to manage the SES in a way that ensures the SES operates effectively and efficiently;
  - (b) to comply with any direction given by the commissioner that is relevant to—
    - (i) the functions of the SES chief officer or the SES; or
    - (ii) SES members;
  - (c) to perform any other function relating to the SES given to the SES chief officer under this Act or another Act.
- (2) The SES chief officer has power to do anything necessary or convenient to be done for the performance of the SES chief officer's functions.

## **14 Acting SES chief officer**

- (1) The commissioner may appoint a person to act as the SES chief officer—
  - (a) during a vacancy in the office; or
  - (b) during any period, or during all periods, when the SES chief officer is absent from duty or is, for another reason, unable to perform the duties of the office.
- (2) A person can not be appointed to act as the SES chief officer unless the commissioner could have appointed the person as the SES chief officer under section 12(2).

## **15 Delegations**

The SES chief officer may delegate the SES chief officer's functions and powers under this Act to another SES member who is appropriately qualified.

## **Subdivision 2      Other SES members**

### **16      Appointment of other SES members**

The commissioner may appoint a person as a member of the SES, other than the SES chief officer.

### **17      Functions and powers of other SES members**

- (1) An SES member appointed under section 16 has the following functions—
  - (a) to perform an SES function in a way that helps ensure the SES operates effectively and efficiently;
  - (b) to comply with any direction given by the commissioner or the SES chief officer that is relevant to—
    - (i) SES functions; or
    - (ii) SES members;
  - (c) to perform any other function relating to the SES given to the SES member under this Act or another Act.
- (2) Subject to part 3, division 2, an SES member has power to do anything necessary or convenient to be done for the performance of the SES member's functions.

### **18      SES employees**

- (1) An SES member appointed under section 16 may perform an SES function as an employee of—
  - (a) the State under the *Public Sector Act 2022*; or
  - (b) the Brisbane City Council under the *City of Brisbane Act 2010*; or
  - (c) another local government under the *Local Government Act 2009*.

- (2) An SES member who performs an SES function as an employee under subsection (1) is an **SES employee**.

## 19 SES volunteers

- (1) An SES member appointed under section 16 may perform an SES function as a volunteer.
- (2) An SES member who performs an SES function as a volunteer under subsection (1) is an **SES volunteer**.

## 20 Commissioner to insure SES volunteers

- (1) The commissioner must enter into a contract of insurance with WorkCover or another entity to insure SES volunteers.
- (2) The contract of insurance must cover an SES volunteer while the person is—
  - (a) performing a function relating to the SES in their capacity as an SES member; or
  - (b) involved in another activity, including training, related to the carrying out of a function of the SES or disaster operations under the *Disaster Management Act 2003*.
- (3) In this section—

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

## 21 Suspension of SES local government employee or SES volunteer

- (1) This section applies in relation to a person who is—
  - (a) an SES employee performing an SES function as an employee of a local government; or
  - (b) an SES volunteer.

- (2) The commissioner may, by notice to the person, suspend the person from duty as an SES member if the commissioner reasonably believes—
- (a) the person would, if the person were an employee under the *Public Sector Act 2022*, be liable to be disciplined under a disciplinary law within the meaning of that Act; or
  - (b) the proper and efficient management of the SES might be prejudiced if the person is not suspended.
- (3) However, before suspending the person, the commissioner must consider all reasonable alternative actions available to the commissioner in relation to the person.

*Examples of reasonable alternative actions—*

- assigning alternative duties
  - changing the location where the person performs duties
  - making another alternative arrangement about how the person may continue to participate in the SES
- (4) The notice must state when the suspension starts and ends.
- (5) The commissioner may, by notice to the person, extend or further extend the period of suspension before the period ends if the commissioner reasonably believes the circumstances mentioned in subsection (2)(a) or (b) still exist.
- (6) The commissioner must ensure the matter is investigated promptly to ensure the timely resolution of the suspension.
- (7) The commissioner may cancel the suspension at any time.

## **Division 4                      Arrangements for police officers**

### **22                      Secondment of police officers**

- (1) The SES chief officer may arrange with the commissioner for the services of police officers to be made available to the SES.

- (2) The arrangement is not effective unless it has been approved by the Minister.
- (3) A police officer whose services are seconded to the SES under this section—
  - (a) is subject to the direction and control of the SES chief officer in relation to the performance of SES functions; but
  - (b) continues to be a police officer for all purposes and to have the functions and powers of a police officer without being limited to the performance of SES functions.

## **Division 5                      SES units, local controllers and SES commanders**

### **23            Establishment of SES units**

- (1) The commissioner may, by notice published on the department's website or the SES's website, establish an SES unit for a local government area if—
  - (a) the commissioner is satisfied it is necessary or desirable to establish an SES unit to perform an SES function in the local government area; and
  - (b) the local government for the local government area agrees to the establishment of an SES unit for the local government area.
- (2) In considering whether it is necessary or desirable to establish an SES unit for a local government area, the commissioner must have regard to—
  - (a) the needs of the community in the local government area; and
  - (b) whether establishing the unit would—

- (i) represent an appropriate distribution of the capability of SES members and assets available to the SES for the State; and
  - (ii) provide the SES with the capability to perform SES functions commensurate with the costs and risks associated with the establishment of the unit for the local government area; and
- (c) whether sufficient volunteers are likely to be available to ensure the unit is sustainable; and
- (d) whether the unit can appropriately maintain the equipment necessary for the unit to perform SES functions.
- (3) Also, before establishing an SES unit for a local government area, the commissioner must consult with any entity the commissioner considers represents the local community for the local government area.

## **24 Local controller of SES unit**

- (1) For each SES unit, the commissioner must appoint an SES member to be the local controller of the unit.
- (2) The appointment must be made by notice given to the SES member.
- (3) The commissioner may appoint an SES member as the local controller for an SES unit for a local government area only if—
  - (a) the local government for the local government area has nominated the member for appointment as the local controller; and
  - (b) the commissioner is satisfied the member has the necessary expertise or experience to perform the functions of a local controller.

- (4) A local controller holds office on any conditions the commissioner considers appropriate and stated in the notice given to the controller.

## **25 Functions of local controller**

- (1) The local controller for an SES unit is responsible for maintaining the operational effectiveness of the unit by ensuring—
  - (a) the SES members in the unit have the necessary skills to perform their roles in the unit competently; and
  - (b) the unit's equipment is maintained in an appropriate condition; and
  - (c) the unit performs its functions and other activities in a way that is consistent with departmental policies about the performance of an SES unit's functions and other activities; and
  - (d) the unit performs its functions in compliance with—
    - (i) this Act and any other applicable Act or law; and
    - (ii) any operational permits and approvals applying to an SES unit; and
  - (e) the SES members in the unit comply with any direction given by the commissioner, the SES chief officer or an SES commander.
- (2) In performing the functions under subsection (1), the local controller must give effect to any direction given by the commissioner or the SES chief officer.
- (3) A local controller of an SES unit may delegate the local controller's functions under this section to another SES member.

## 26 SES commanders

- (1) The commissioner may, by notice to a person, appoint the person as an SES commander for a group of SES units to coordinate the performance of SES functions by the group.
- (2) The commissioner may appoint a person as an SES commander only if—
  - (a) the person is an SES member; and
  - (b) the commissioner is satisfied the member is appropriately qualified to perform the functions of an SES commander.
- (3) An SES commander holds office on any conditions the commissioner considers appropriate and stated in the notice given to the commander.
- (4) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator that an SES commander has been appointed.
- (5) The commissioner may terminate the appointment of an SES commander for a group of SES units if the commissioner considers it is no longer necessary for an SES commander to be appointed for the group.
- (6) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator of the termination.
- (7) In this section—

***chairperson***, of a local group, has the meaning given by the *Disaster Management Act 2003*.

***disaster district*** has the meaning given by the *Disaster Management Act 2003*.

***district disaster coordinator*** has the meaning given by the *Disaster Management Act 2003*.

***local group*** has the meaning given by the *Disaster Management Act 2003*.

***relevant district disaster coordinator*** means the district disaster coordinator for a disaster district whose area includes the local government area for an SES unit in the group of SES units.

***relevant local group*** means the local group for the local government area for an SES unit in the group of SES units.

## **27 Functions of SES commanders**

- (1) An SES commander for a group of SES units for local government areas has the following functions—
  - (a) to coordinate the performance of SES functions in the local government areas when resources of the SES from outside the local government areas are made available to the group;
  - (b) to provide advice to local controllers of the SES units about—
    - (i) SES functions; and
    - (ii) managing the safety and fatigue of the members of the SES units; and
    - (iii) logistical and financial matters;
  - (c) to perform other functions agreed between the SES commander and the local disaster coordinator for the relevant local group;
  - (d) to give effect to any direction given by the commissioner or SES chief officer.
- (2) In performing the SES commander's functions, the commander must have regard to—
  - (a) the advice of the local disaster coordinator for a relevant local group; and
  - (b) any applicable disaster management plans.
- (3) In this section—

*disaster management plan* has the meaning given by the *Disaster Management Act 2003*.

*local disaster coordinator* has the meaning given by the *Disaster Management Act 2003*.

*local group* has the meaning given by the *Disaster Management Act 2003*.

*relevant local group* means the local group for the local government area for an SES unit in the group of SES units.

## **Part 3                      Authorised rescue officers**

### **Division 1              Appointment**

#### **28              Appointment**

- (1) The commissioner may appoint any of the following persons as an authorised rescue officer—
  - (a) an SES member;
  - (b) a person who performs a function similar to an emergency-related SES function under a law of another State or country;
  - (c) a member of a class of persons prescribed by a regulation.
- (2) However, the commissioner may appoint a person as an authorised rescue officer only if satisfied the person has the necessary expertise or experience to be an authorised rescue officer.

#### **29              Appointment conditions and limit on powers**

- (1) An authorised rescue officer holds office on any conditions stated in—

- (a) the officer's instrument of appointment; or
  - (b) a signed notice given to the officer; or
  - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the officer or a regulation may limit the officer's powers under this Act.
- (3) In this section—  
*signed notice* means a notice signed by the commissioner.

### **30 Resignation**

An authorised rescue officer may resign by signed notice given to the commissioner.

### **31 Issue of identity card**

- (1) The commissioner must issue an identity card to each authorised rescue officer.
- (2) The identity card must—
  - (a) contain a recent photo of the officer; and
  - (b) identify the person as an authorised rescue officer under this Act; and
  - (c) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

### **32 Production or display of identity card**

- (1) In exercising a power under this Act in relation to a person in the person's presence, an authorised rescue officer must—
  - (a) produce the officer's identity card for the person's inspection before exercising the power; or

- (b) have the identity card displayed so it is clearly visible to the person when the officer is exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised rescue officer must produce the identity card for the person's inspection at the first reasonable opportunity.

### **33 Return of identity card**

A person who stops being an authorised rescue officer must return the person's identity card to the commissioner within 21 days after the person stops being an authorised rescue officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

## **Division 2 Powers of authorised rescue officers**

### **34 Exercise of powers subject to direction of SES member**

- (1) This section applies to an authorised rescue officer who is not an SES member.
- (2) In exercising a power under this division, the officer is subject to the directions of an authorised rescue officer who is an SES member.

### **35 Powers for performing emergency-related SES function**

- (1) This section applies to an authorised rescue officer for performing an emergency-related SES function.
- (2) The authorised rescue officer may take reasonable steps to protect—
  - (a) a person who is trapped, or endangered in another way, in a place; or

- (b) the officer or another person from danger, potential danger or assault.
- (3) Without limiting subsection (2), each of the following is a reasonable step—
  - (a) entering a place under section 36;
  - (b) searching any part of a place;
  - (c) opening a container or other thing;
  - (d) removing any thing from a place;
  - (e) destroying or damaging premises, a vehicle, container or other thing;
  - (f) taking into or onto a place the equipment, persons or materials the authorised rescue officer reasonably requires to exercise a power under this section;
  - (g) giving a person a direction to leave, or not to enter, an area in or near a place if the authorised rescue officer reasonably considers the direction is necessary to protect a person's life or health;
  - (h) making a requirement of a person at or near a place to give the authorised rescue officer reasonable help to exercise the officer's powers under paragraphs (a) to (f).
- (4) When giving a direction or making a requirement mentioned in subsection (3)(g) or (h), the authorised rescue 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.

*Notes—*

- 1 For the offence of failing to comply with a direction given under subsection (3)(g), see section 39.
- 2 For the offence of failing to comply with a requirement made under subsection (3)(h), see section 40.

### **36 Power of entry**

- (1) An authorised rescue officer may enter a place without a warrant or the consent of the owner or occupier of the place to perform an emergency-related SES function.
- (2) However, if the occupier is present at the place, the authorised rescue officer must do, or make a reasonable attempt to do, the following things before entering the place—
  - (a) tell the occupier the purpose of the entry;
  - (b) seek the consent of the occupier to the entry;
  - (c) tell the occupier the officer is permitted under this Act to enter the place without the occupier's consent.
- (3) Subsection (2) does not require the authorised rescue officer to take a step the officer reasonably believes may frustrate or otherwise hinder the officer's ability to give the protection mentioned in section 35(2).
- (4) In this section—

***occupier***, of a place, includes the following—

  - (a) if there is more than 1 person who apparently occupies the place—any 1 of the persons;
  - (b) any person at the place who is apparently acting with the authority of a person who apparently occupies the place;
  - (c) if no-one apparently occupies the place—any person who is an owner of the place.

### **37 Power to use force**

- (1) It is lawful for an authorised rescue officer to use reasonably necessary force when performing or attempting to perform an SES function.
- (2) This section does not apply to the use of force against an individual.

## Part 4 Offences

### 38 Offence to assault or obstruct official

- (1) A person must not, unless the person has a reasonable excuse—

- (a) assault an official performing an SES function; or
- (b) obstruct an official performing an SES function.

Maximum penalty—100 penalty units or 6 months imprisonment.

- (2) If a person has obstructed an official and the official decides to proceed with the performance of the function, the official must warn the person that—

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

- (3) In this section—

**assault** has the meaning given by the Criminal Code, section 245.

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

**official** means—

- (a) an SES member; or
- (b) an authorised rescue officer.

### 39 Failure to comply with direction of authorised rescue officer

A person must not fail to comply with a direction given by an authorised rescue officer under section 35(3)(g), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units or 6 months imprisonment.

**40 Failure to comply with requirement to give authorised rescue officer reasonable help**

A person of whom a requirement is made by an authorised rescue officer under section 35(3)(h) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

**41 Impersonating SES member or authorised rescue officer**

A person must not impersonate an SES member or an authorised rescue officer.

Maximum penalty—100 penalty units.

**42 Unauthorised use of confidential information**

(1) This section applies to a person who—

(a) is or has been—

(i) an SES member or authorised rescue officer performing functions under or relating to the administration of this Act; or

(ii) another individual engaged to perform functions under or relating to the administration of this Act; or

(iii) an individual engaged by an entity that is engaged to perform functions under or relating to the administration of this Act; and

(b) in that capacity, acquired confidential information or has access to, or custody of, confidential information.

(2) This section also applies to a person who has acquired or has access to confidential information—

- (a) whether directly or indirectly, from a person mentioned in subsection (1); or
  - (b) as authorised under an Act, another law or an arrangement with the police service.
- (3) The person must not use the confidential information other than under this section.

Maximum penalty—100 penalty units or 2 years imprisonment.

- (4) The person may use the confidential information—
- (a) to the extent the use is required or permitted under this Act or another Act or to perform the person's functions under this Act or another Act; or
  - (b) with the consent of the person to whom the information relates if the information would normally be made available to any member of the public on request; or
  - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
  - (d) if the use is otherwise required or permitted under another law.

- (5) In this section—

***confidential information***—

- (a) means personal information about an individual or other information of a confidential nature; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

***personal information*** see the *Information Privacy Act 2009*, section 12.

**use**, in relation to information, includes the following—

- (a) disclose;
- (b) give;
- (c) give access to;
- (d) make available;
- (e) publish;
- (f) record.

#### **43 Using restricted expressions etc.**

- (1) A person must not, unless the person has a reasonable excuse—
  - (a) use a restricted expression without the commissioner’s written approval or authority—
    - (i) in, or as, the name of a business carried on by the person; or
    - (ii) to advertise or otherwise promote goods or services provided by the person; or
    - (iii) to raise funds, whether for the SES or another entity; or
  - (b) use the expression ‘State Emergency Service’ or ‘SES’, or a similar expression, in a way that suggests the person is an SES member if the person is not an SES member.

Maximum penalty—40 penalty units.

- (2) In this section—

**restricted expression** means any of the following expressions—

- (a) ‘State Emergency Service’;
- (b) ‘SES’;
- (c) another expression that includes an expression mentioned in paragraph (a) or (b).

#### **44 Warning device or light on SES vehicle**

- (1) A person, other than an SES member, must not activate a warning device or warning light fitted to an SES vehicle unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) An SES member may activate a warning device or warning light fitted to an SES vehicle only if—
- (a) the member activates the warning device or warning light to perform an SES function; and
  - (b) the member considers it necessary to activate the warning device or warning light to ensure a person's safety.

Maximum penalty—40 penalty units.

## **Part 5 Miscellaneous**

#### **45 Protection from liability**

Civil liability does not attach to any of the following entities because of an act done, or omission made, honestly and without negligence by the entity under this Act—

- (a) the State;
- (b) a local government;
- (c) the Minister;
- (d) an SES member;
- (e) an authorised rescue officer;
- (f) a person helping an authorised rescue officer under section 35(3)(h).

## **46 Appointments and authority**

In a proceeding under or in relation to this Act, the following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment of each of the following—
  - (i) the SES chief officer;
  - (ii) a local controller of an SES unit;
  - (iii) an SES commander;
  - (iv) another SES member;
  - (v) an authorised rescue officer;
- (b) the power of a person mentioned in paragraph (a) to do anything under this Act.

## **47 Other evidentiary aids**

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

- (a) a stated document is an appointment, approval, authorisation, decision, direction, notice or requirement given or made under this Act;
- (b) a stated document is a copy of, or an extract from or part of, a document mentioned in paragraph (a);
- (c) that, on a stated day—
  - (i) a stated person was given a stated decision, direction or notice under this Act; or
  - (ii) a stated requirement under this Act was made of a stated person.

## **48 Exemption from toll**

- (1) This section applies if—

- (a) an SES member is travelling in an SES vehicle in the person's capacity as an SES member; and
  - (b) the SES vehicle is fitted with a warning device or warning light that is activated.
- (2) The SES member is exempt from payment of a toll for the use by the member and the SES vehicle of a road, bridge or ferry.

#### **49 Regulation-making power**

The Governor in Council may make regulations under this Act.

## **Part 6 Transitional and validation provisions**

### **Division 1 Transitional provisions for Emergency Services Reform Amendment Act 2024**

#### **50 Definitions for division**

In this division—

*former*, in relation to a provision, means the provision as in force from time to time before the commencement.

*former SES* means the State Emergency Service established under the *Fire and Emergency Services Act 1990*, former section 129.

#### **51 Appointment of former SES member as new SES member**

- (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 as a member of the SES under section 16.

**52 Continuation of former SES unit as new SES unit and appointment of local controller as new local controller**

- (1) This section applies if a former SES unit—
- (a) was established before the commencement; and
  - (b) was in existence immediately before the commencement.
- (2) On the commencement, the former SES unit is taken to be established as an SES unit under section 23.
- (3) Subsection (4) applies if—
- (a) a former local controller was appointed for the former SES unit before the commencement; and
  - (b) the appointment was in effect immediately before the commencement.
- (4) On the commencement, the former local controller is taken to be appointed as the local controller for the SES unit under section 24.
- (5) In this section—

*former local controller* means a local controller appointed under the *Fire and Emergency Services Act 1990*, former section 134.

*former SES unit* means an SES unit established under the *Fire and Emergency Services Act 1990*, former section 133.

**53 Appointment of former SES coordinator as new SES commander**

- (1) This section applies if—
- (a) a former SES coordinator was appointed for 2 or more local government areas before the commencement; and

- (b) the appointment was in effect immediately before the commencement.
- (2) On the commencement, the former SES coordinator is taken to be appointed under section 26 as the SES commander for the group of the SES units for each of the local government areas.
- (3) In this section—  
*former SES coordinator* means an SES coordinator appointed under the *Fire and Emergency Services Act 1990*, former section 136.

#### **54 Appointment of former authorised rescue officer as new authorised rescue officer**

- (1) This section applies if—
  - (a) a former authorised rescue officer was appointed before the commencement; and
  - (b) the appointment was in effect immediately before the commencement.
- (2) On the commencement, the former authorised rescue officer is taken to be appointed as an authorised rescue officer under section 28.
- (3) In this section—  
*former authorised rescue officer* means an authorised rescue officer appointed under the *Fire and Emergency Services Act 1990*, former section 148.

#### **55 Preserved employment conditions**

- (1) This section applies to a person who—
  - (a) immediately before the commencement, was employed by the State or a local government to perform a function of the former SES; and

- (b) on the commencement, is taken to be appointed to a position under section 51(2), 52(4), 53(2), or 54(2).
- (2) The appointment does not affect the person's benefits, entitlements or remuneration as an employee under subsection (1)(a).

## **56 Continuation of WorkCover insurance for SES volunteer**

- (1) This section applies if—
  - (a) immediately before the commencement, an SES volunteer was insured under a contract of insurance with WorkCover that was entered into under the *Fire and Emergency Services Act 1990*, former section 154C; and
  - (b) on the commencement, the SES volunteer is a staff member of the police service under the *Police Service Administration Act 1990*.
- (2) Subject to subsections (3) and (4), the contract of insurance, as it relates to the SES volunteer, continues to have effect as if the amending Act had not been enacted.
- (3) On the commencement, the contract of insurance—
  - (a) is taken to have been entered into by the commissioner and WorkCover; and
  - (b) is taken to cover the SES volunteer while the person is performing a function relating to the SES in their capacity as an SES member; and
  - (c) continues to have effect with any necessary changes because of paragraphs (a) and (b).
- (4) The contract of insurance continues to have effect under subsection (2) until—
  - (a) the commissioner enters into a contract of insurance to insure the SES volunteer under section 20; or
  - (b) the contract is terminated by the commissioner or WorkCover.

(5) In this section—

*amending Act* means the *Emergency Services Reform Amendment Act 2024*.

## 57 References to former SES

A reference in an Act or document to the former SES, whether it is referred to as the SES or the State Emergency Service, may, if the context permits, be taken to be a reference to the SES established under section 6 of this Act.

## Division 2                      Validation provisions for Police Powers and Responsibilities (Making Jack’s Law Permanent) and Other Legislation Amendment Act 2025

### 58 Validation provision for purported appointment of former SES member

- (1) This section applies if, before the relevant commencement, a person (the *appointee*) was purportedly appointed as a member of the former SES under the *Fire Services Act 1990*, former section 132.

*Note—*

The *Fire Services Act 1990* was previously titled the *Fire and Emergency Services Act 1990*.

- (2) Without limiting subsection (1), this section applies if the purported appointment was made by a person purporting to perform the delegated function of the QFES commissioner under the *Fire Services Act 1990*, former section 132.
- (3) The appointee is taken to have been validly appointed until—
- (a) if the purported appointment had ended on a day before the relevant commencement—the end of that day; or

- 
- (b) if paragraph (a) does not apply—the relevant commencement.
- (4) Anything done or omitted to be done by the appointee during the period of the purported appointment that would have been valid and lawful under the former Act had the appointee been validly appointed as a member of the former SES is taken to be, and always to have been, valid and lawful.
- (5) In this section—
- former*, in relation to a provision, means the provision as in force from time to time before the relevant commencement.
- former Act* means the *Fire Services Act 1990* as in force from time to time before the relevant commencement.
- former SES* means the State Emergency Service established under the *Fire Services Act 1990*, former section 129.
- QFES commissioner* means the commissioner appointed under the *Fire Services Act 1990*, former section 5.
- relevant commencement* means the commencement of section 51.

## 59 Validation provision for purported appointment of particular SES members

- (1) This section applies if a person (the *appointee*) was at any time purportedly appointed as a member of the SES under section 16 by a person purporting to perform the delegated function of the commissioner under that section.
- (2) The appointee is taken to have been validly appointed.
- (3) Anything done or omitted to be done by the appointee during the period of the purported appointment that would have been valid and lawful under this Act had the appointee been validly appointed as a member of the SES is taken to be, and always to have been, valid and lawful.

## Schedule 1      Dictionary

### section 5

***commissioner*** means the commissioner of the police service.

***emergency-related SES function*** means a function of the SES under section 7(1)(a), (b) or (c).

***local controller*** means a person appointed by the commissioner under section 24(1).

***notice*** means written notice.

***of***, a place, includes at or on the place.

***place*** includes—

- (a) premises; and
- (b) vacant land; and
- (c) a vehicle; and
- (d) a place in Queensland waters; and
- (e) a place held under 2 or more titles or by 2 or more owners.

***police service*** means the Queensland Police Service under the *Police Service Administration Act 1990*.

***premises*** includes—

- (a) a building or structure, or part of a building or structure, of any type; and
- (b) a group of buildings or structures, or part of a group of buildings or structures, of any type; and
- (c) the land or water where a building or structure, or a group of buildings or structures, is situated; and
- (d) a vehicle and a caravan; and
- (e) premises held under 2 or more titles or by 2 or more owners.

***reasonably believes*** means believes on grounds that are reasonable in the circumstances.

***SES*** see section 6.

***SES chief officer*** means a person appointed by the commissioner under section 12.

***SES commander*** means a person appointed by the commissioner under section 26(1).

***SES employee*** see section 18(2).

***SES function*** means a function of the SES mentioned in section 7(1).

***SES member*** see section 8(2).

***SES unit*** means an SES unit established by the commissioner under section 23(1).

***SES vehicle*** means—

- (a) a vehicle of the SES; or
- (b) a vehicle used by an SES member to perform a function of the SES.

***SES volunteer*** see section 19(2).

***vehicle*** means—

- (a) an aircraft, including a helicopter; or
- (b) a vehicle or vessel under the *Transport Operations (Road Use Management) Act 1995*.