



Marine Rescue Queensland Act 2024

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Queensland

Marine Rescue Queensland Act 2024

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Marine Rescue Queensland Act 2024

An Act to establish Marine Rescue Queensland and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Marine Rescue Queensland 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 Marine Rescue Queensland to provide—

- (a) a marine rescue service in the State; and
- (b) other maritime 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 Marine Rescue Queensland

Division 1 Establishment, functions, powers and membership

6 Establishment

Marine Rescue Queensland (*MRQ*) is established.

7 Functions and powers

- (1) MRQ has the following functions—
- (a) to perform marine search and rescue operations;
 - (b) to provide marine assistance to persons or vessels in difficulty;
 - (c) to provide other marine assistance to any entity in the performance of its functions and to the community if the assistance is reasonably requested and another entity is not reasonably able to assist;
 - (d) to support other entities providing emergency services to help communities respond to and recover from an event or a disaster;
 - (e) to perform activities to raise the profile of MRQ, promote marine safety or raise funds to be used to support MRQ in the performance of its functions;
 - (f) to provide services or assistance by a member of MRQ if required under any Act or law or the reasonable expectations of the community;

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

8 Membership

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

Division 2 Functions of commissioner

9 Functions

The commissioner's functions relating to MRQ are—

- (a) the establishment of MRQ units and the designation of areas for MRQ units; and
- (b) the appointment of persons as MRQ chief officer, MRQ unit commanders, MRQ coordinators and other MRQ members; and
- (c) the giving of directions and guidance to the MRQ chief officer, MRQ unit commanders, MRQ coordinators and other MRQ members; and
- (d) the performance of any other function relating to MRQ that is given to the commissioner under this or another Act.

Division 3 MRQ members

Subdivision 1 MRQ chief officer

10 Appointment of MRQ chief officer

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

11 Functions and powers

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

12 Acting MRQ chief officer

- (1) The commissioner may appoint a person to act as the MRQ chief officer—
 - (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the MRQ 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 MRQ chief officer unless the commissioner could have appointed the person as the MRQ chief officer under section 10(2).

13 Delegations

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

Subdivision 2 Other MRQ members

14 MRQ employees and MRQ volunteers

- (1) The commissioner may appoint the number of MRQ employees and MRQ volunteers as is necessary for the effective administration of this Act.
- (2) MRQ employees are to be employed under the *Public Sector Act 2022*.

15 Commissioner to insure MRQ volunteers

- (1) The commissioner must enter into a contract of insurance with WorkCover or another entity to insure MRQ volunteers.
- (2) The contract of insurance must cover an MRQ volunteer while the person is—

- (a) performing a function relating to MRQ in their capacity as an MRQ member; or
- (b) involved in another activity, including training, related to the carrying out of a function of MRQ 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*.

16 Suspension of MRQ volunteer

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

Examples of reasonable alternative actions—

- assigning alternative duties
 - changing the location where the MRQ volunteer performs duties
 - making another alternative arrangement about how the MRQ volunteer may continue to participate in MRQ
- (3) The notice must state when the suspension starts and ends.
 - (4) The commissioner may, by notice to the MRQ volunteer, extend or further extend the period of suspension before the period ends if the commissioner reasonably believes the circumstances mentioned in subsection (1)(a) or (b) still exist.

- (5) The commissioner must ensure the matter is investigated promptly to ensure the timely resolution of the suspension.
- (6) The commissioner may cancel the suspension at any time.

Division 4 Arrangements for police officers

17 Secondment of police officers

- (1) The MRQ chief officer may arrange with the commissioner for the services of police officers to be made available to MRQ.
- (2) The arrangement is not effective unless it has been approved by the Minister.
- (3) A police officer whose services are seconded to MRQ under this section—
 - (a) is subject to the direction and control of the MRQ chief officer in relation to the performance of MRQ 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 MRQ's functions.

Division 5 MRQ units, MRQ unit commanders and MRQ coordinators

18 Establishment of MRQ units

- (1) The commissioner may, by notice published on the department's website or MRQ's website, establish an MRQ unit for an area of the State if the commissioner is satisfied it is necessary or desirable to establish the MRQ unit to perform an MRQ function in the area.

- (2) In considering whether it is necessary or desirable to establish an MRQ unit for an area, the commissioner must have regard to—
 - (a) the needs of the community in the area; and
 - (b) whether establishing the unit would—
 - (i) represent an appropriate distribution of the capability of MRQ members and assets available to MRQ for the State; and
 - (ii) provide MRQ with the capability to perform its functions commensurate with the costs and risks associated with the establishment of the unit for the area; and
 - (c) whether sufficient volunteers are likely to be available to ensure the unit is sustainable; and
 - (d) whether the MRQ unit can appropriately maintain the equipment necessary for the unit to perform MRQ's functions in the area.
- (3) Before establishing an MRQ unit for an area, the commissioner must consult with the following entities—
 - (a) any entity the commissioner considers represents the local community for the area;
 - (b) any other entity that provides emergency services for the area.
- (4) The commissioner must publish the boundaries of an MRQ unit's area on the department's website or MRQ's website.

19 MRQ unit commanders

- (1) For each MRQ unit, the commissioner must appoint an MRQ member to be the MRQ unit commander.
- (2) The appointment must be made by notice given to the MRQ member.

- (3) The commissioner may appoint a person as the MRQ unit commander for an MRQ unit only if the commissioner is satisfied the member is appropriately qualified to perform the functions of an MRQ unit commander.
- (4) An MRQ unit commander holds office on any conditions the commissioner considers appropriate and stated in the notice given to the unit commander.

20 Functions of MRQ unit commanders

- (1) The MRQ unit commander for an MRQ unit is responsible for the operational effectiveness of the MRQ unit by ensuring—
 - (a) the unit's MRQ members 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 MRQ 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 MRQ unit; and
 - (e) the unit complies with any direction given by the commissioner, the MRQ chief officer or an MRQ coordinator.
- (2) An MRQ unit commander may delegate the MRQ unit commander's functions under this section to another MRQ member.

21 MRQ coordinators

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

relevant local group means the local group for a local government area whose area overlaps with the area or a part of the area of 1 or more MRQ units in the group of MRQ units.

22 Functions of MRQ coordinators

- (1) An MRQ coordinator has the following functions—
 - (a) to coordinate the performance of MRQ functions in the areas of the group of MRQ units for which the coordinator is appointed when resources of MRQ from outside the areas are made available to the group;
 - (b) to provide advice to MRQ unit commanders of the MRQ units about—
 - (i) MRQ functions; and
 - (ii) managing the safety and fatigue of the members of the MRQ units; and
 - (iii) logistical and financial matters;
 - (c) to perform other functions agreed between the MRQ coordinator and the local disaster coordinator for the relevant local group;
 - (d) to give effect to any direction given by the commissioner or MRQ chief officer.
- (2) In performing the MRQ coordinator's functions, the coordinator 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 a local government area whose area overlaps with the area or a part of the area of 1 or more MRQ units in the group of MRQ units.

Division 6 Powers of MRQ members

23 Power of entry

- (1) An MRQ member may enter a place without a warrant or the consent of the owner or occupier of the place if—
 - (a) the MRQ member is performing an MRQ function at the place; and
 - (b) the MRQ member reasonably suspects that there is a dangerous situation at or near the place.
- (2) However, if the occupier is present at the place, the MRQ member 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 MRQ member is permitted under this Act to enter the place without the occupier's consent.
- (3) Subsection (2) does not require the MRQ member to take a step if the member reasonably believes that to do so may endanger any person or property.

- (4) The MRQ member may remain at the place for the time necessary—
- (a) to establish whether a dangerous situation exists at or near the place; and
 - (b) to give or arrange for reasonable help to any person at the place.
- (5) In this section—

dangerous situation means a situation that is likely to result in an imminent risk of material harm to persons, property or the environment if action is not taken to avoid, eliminate or minimise the risk.

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.

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.

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

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- (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 suspects means suspects on grounds that are reasonable in the circumstances.

vehicle means—

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

24 Power to use force

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

Part 3 Offences

25 Offence to assault or obstruct MRQ member

- (1) A person must not, unless the person has a reasonable excuse—
 - (a) assault an MRQ member performing an MRQ function; or
 - (b) obstruct an MRQ member performing an MRQ function.

Maximum penalty—100 penalty units or 6 months imprisonment.

- (2) If a person has obstructed an MRQ member and the member decides to proceed with the performance of the function, the member must warn the person that—
- (a) it is an offence to cause an obstruction unless the person has a reasonable excuse; and
 - (b) the member 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.

26 Impersonating MRQ member

A person must not impersonate an MRQ member.
Maximum penalty—100 penalty units.

27 Unauthorised use of confidential information

- (1) This section applies to a person who—
- (a) is or has been—
 - (i) an MRQ member 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.

28 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 MRQ or another entity; or
 - (b) use the expression ‘Marine Rescue Queensland’ or ‘MRQ’, or a similar expression, in a way that suggests the person is an MRQ member if the person is not an MRQ member.

Maximum penalty—40 penalty units.

- (2) In this section—

restricted expression means any of the following expressions—

- (a) ‘Marine Rescue Queensland’;

- (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.

32 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 5 Transitional provision

33 References to particular entities

A reference in an Act or a document to any of the following entities may, if the context permits, be taken to be a reference to MRQ—

- (a) The Australian Volunteer Coast Guard Association Incorporated ABN 99 392 980 313;
- (b) Volunteer Marine Rescue ABN 39 394 393 984 (also known as Volunteer Marine Rescue Karumba);
- (c) Volunteer Marine Rescue Assoc Qld Inc ABN 46 387 273 867;
- (d) Volunteer Marine Rescue Association Bowen Inc ABN 23 732 682 124;
- (e) Volunteer Marine Rescue Bribie Island Inc ABN 20 500 377 468;
- (f) Volunteer Marine Rescue Brisbane Inc ABN 12 718 565 330;
- (g) Volunteer Marine Rescue Bundaberg Incorporated ABN 72 249 925 594;

- (h) Volunteer Marine Rescue Burdekin Inc. ABN 77 575 613 538;
- (i) Volunteer Marine Rescue Burketown Inc ABN 51 329 761 087;
- (j) Volunteer Marine Rescue Currumbin ABN 76 746 351 209;
- (k) Marine Rescue Douglas Shire Inc. ABN 65 871 449 034 (also known as Volunteer Marine Rescue Port Douglas Inc);
- (l) Volunteer Marine Rescue Gladstone Inc ABN 47 236 033 890;
- (m) Volunteer Marine Rescue Hervey Bay Inc ABN 92 424 635 054;
- (n) Volunteer Marine Rescue Jacobs Well Assn Inc ABN 25 862 670 198;
- (o) Volunteer Marine Rescue Mackay Inc ABN 20 572 944 700;
- (p) Volunteer Marine Rescue Midge Point Inc ABN 80 270 379 615;
- (q) Volunteer Marine Rescue Mornington Island Inc ABN 26 206 170 160;
- (r) Volunteer Marine Rescue North Stradbroke Inc ABN 22 309 931 531;
- (s) Volunteer Marine Rescue Raby Bay Inc ABN 61 187 902 123;
- (t) Volunteer Marine Rescue Round Hill Inc ABN 27 833 875 690;
- (u) Volunteer Marine Rescue Southport Surfers Paradise Association Inc ABN 28 929 833 597;
- (v) Volunteer Marine Rescue ST Pauls Inc ABN 11 920 031 371 (also known as Volunteer Marine Rescue Moa Inc);

- (w) Volunteer Marine Rescue Thursday Island Inc ABN 50 893 928 178;
- (x) Volunteer Marine Rescue Victoria Point Association Inc ABN 88 836 276 421;
- (y) Volunteer Marine Rescue Weipa Inc ABN 29 709 476 617;
- (z) Volunteer Marine Rescue Whitsunday Inc ABN 61 265 910 328;
- (za) Volunteer Marine Rescue Yorke Island Inc ABN 38 588 145 791 (also known as Volunteer Marine Rescue Masig Inc).

Schedule 1 Dictionary

section 5

commissioner means the commissioner of the police service.

MRQ see section 6.

MRQ chief officer means a person appointed by the commissioner under section 10.

MRQ coordinator means a person appointed by the commissioner under section 21(1).

MRQ employee means a person appointed by the commissioner as an MRQ employee under section 14(1).

MRQ function means a function of MRQ mentioned in section 7.

MRQ member see section 8(2).

MRQ unit means an MRQ unit established by the commissioner under section 18(1).

MRQ unit commander means a person appointed by the commissioner under section 19(1).

MRQ volunteer means a person appointed by the commissioner as an MRQ volunteer under section 14(1).

notice means written notice.

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

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