

I hereby certify that this PUBLIC BILL has finally passed the Legislative Assembly of Queensland.

Legislative Assembly Chamber,  
Brisbane,

The Clerk of the Parliament.

3

May 2024

In the name and on behalf of the King, I assent to this Bill.

Government House,

Brisbane, 3rd May

2024.



Queensland

No. 18 of 2024

A BILL for

An Act to amend the Disaster Management Act 2003, the Disaster Management Regulation 2014, the Fire and Emergency Services Act 1990, the Police Service Administration Act 1990, the Workers' Compensation and Rehabilitation Act 2003, the Working with Children (Risk Management and Screening) Act 2000 and the legislation mentioned in schedule 1 for particular purposes





Queensland

# Emergency Services Reform Amendment Bill 2024

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# 2024

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## A Bill

for

**An Act to amend the *Disaster Management Act 2003*, the *Disaster Management Regulation 2014*, the *Fire and Emergency Services Act 1990*, the *Police Service Administration Act 1990*, the *Workers' Compensation and Rehabilitation Act 2003*, the *Working with Children (Risk Management and Screening) Act 2000* and the legislation mentioned in schedule 1 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 *Emergency Services Reform Amendment Act 2024*.

### **2 Commencement**

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

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

### **3 Act amended**

This part amends the *Disaster Management Act 2003*.

### **4 Insertion of new pt 2, div 1A**

Part 2—

*insert—*

### **Division 1A State Disaster Management Group**

#### **21F Establishment**

A group known as the State Disaster Management Group (the *SDM group*) is established.



## **21G Functions and powers**

- (1) The SDM group has the following functions—
  - (a) to provide timely strategic oversight of, and support for, disaster management and disaster operations for the State;
  - (b) to consider strategies and policies for managing a disaster and to give advice to the State group about implementing the strategies and policies;
  - (c) other functions given to the group under this Act or another Act;
  - (d) functions incidental to a function mentioned in paragraph (a), (b) or (c).
- (2) The SDM group has power to do anything necessary or convenient to be done for the performance of its functions.

## **21H Membership**

- (1) The SDM group consists of the following members—
  - (a) the persons prescribed by regulation;
  - (b) other persons invited by the chairperson of the group to be members of the group.
- (2) If the chairperson of the SDM 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

## **21I Chairperson and deputy chairperson**

- (1) The chairperson of the SDM group is the member

[s 4]

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of the group prescribed by regulation as the chairperson.

- (2) The deputy chairperson of the SDM group is the member of the group prescribed by regulation as the deputy chairperson.
- (3) The chairperson may appoint another member of the SDM group to act as chairperson of the group.
- (4) The deputy chairperson of the SDM group must act as the chairperson—
  - (a) during a vacancy in the office of chairperson; and
  - (b) if there is no appointee under subsection (3)—whenever 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 (3)—whenever the appointee is absent from duty or for another reason can not perform the functions of the office.

## **21J Functions of chairperson**

The chairperson of the SDM group has the following functions—

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

## **21K Conduct of business and meetings**

The SDM group may conduct its business, including its meetings, in the way it considers appropriate.

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**5 Amendment of schedule (Dictionary)**

(1) Schedule—

*insert—*

***SDM group*** see section 21F.

(2) Schedule, definition *chairperson*—

*insert—*

(aa) of the *SDM group*—the person prescribed by regulation under section 21I(1); or

(3) Schedule, definition *chairperson*, paragraphs (a) to (d)—

*renumber* as paragraphs (a) to (e).

**Part 3 Amendment of Disaster Management Regulation 2014**

**6 Regulation amended**

This part amends the *Disaster Management Regulation 2014*.

**7 Insertion of new ss 4A and 4B**

After section 4—

*insert—*

**4A Members of SDM group—Act, s 21H**

For section 21H(1)(a) of the Act, the following persons are members of the *SDM group*—

- (a) the Premier;
- (b) the Minister who is recognised as the deputy for the Premier;
- (c) the Ministers administering the following Acts—
  - (i) the *Local Government Act 2009*;

[s 8]

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- (ii) the *Public Safety Preservation Act 1986*;
- (d) the chief executives of the departments in which the following Acts are administered—
  - (i) the *Constitution of Queensland 2001*;
  - (ii) the *Local Government Act 2009*;
  - (iii) the *Public Safety Preservation Act 1986*;
- (e) the commissioner of the police service;
- (f) the commissioner of the Queensland Fire and Emergency Service;
- (g) the State disaster coordinator;
- (h) the chief executive officer of the Queensland Reconstruction Authority under the *Queensland Reconstruction Authority Act 2011*.

#### **4B Chairperson and deputy chairperson of SDM group—Act, s 21I**

- (1) For section 21I(1) of the Act, the Premier is the chairperson of the SDM group.
- (2) For section 21I(2) of the Act, the Minister who is recognised as the deputy for the Premier is the deputy chairperson of the SDM group.

## **Part 4**

## **Amendment of Fire and Emergency Services Act 1990**

### **8 Act amended**

This part amends the *Fire and Emergency Services Act 1990*.

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**9 Amendment of s 2 (Objects of Act)**

Section 2(c)—

*omit, insert—*

- (c) to establish a framework for the management of the Queensland Fire and Emergency Service.

**10 Amendment of s 7A (Functions of commissioner)**

(1) Section 7A(1)(b)—

*omit.*

(2) Section 7A(1)(c)—

*renumber* as section 7A(1)(b).

**11 Omission of ch 4 (State Emergency Service, emergency service units and authorised rescue officers)**

Chapter 4—

*omit.*

**12 Amendment of s 150D (Failure to assist or give reasonable help)**

(1) Section 150D, heading—

*omit, insert—*

**150D Failure to assist**

(2) Section 150D, ‘or give reasonable help under section 149(2)(h)’—

*omit.*

**13 Amendment of s 150G (Impersonating authorised rescue officer etc.)**

(1) Section 150G, heading—

[s 14]

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*omit, insert—*

**150G Impersonating officer or member**

(2) Section 150G(1)(b) to (e)—

*omit.*

(3) Section 150G(1)(f)—

*renumber* as section 150G(1)(b).

**14 Replacement of s 150H (Using restricted expressions etc.)**

Section 150H—

*omit, insert—*

**150H Using restricted expressions**

(1) A person must not, unless the person has a reasonable excuse, use a restricted expression without the commissioner’s written approval—

- (a) in, or as, the name of a business carried on by the person; or
- (b) to advertise or otherwise promote goods or services provided by the person.

Maximum penalty—40 penalty units.

(2) In this section—

*restricted expression* means any of the following expressions—

- (a) ‘Queensland Fire Service’;
- (b) ‘Queensland Fire and Rescue Service’;
- (c) ‘Queensland Fire and Emergency Service’;
- (d) ‘Queensland Fire and Rescue Authority’;
- (e) ‘QFS’;
- (f) ‘QFRS’;
- (g) ‘QFES’;

- (h) 'QFRA';
- (i) another expression that includes an expression mentioned in paragraphs (a) to (h).

**15 Omission of s 150I (Warning device or lights on SES or ES vehicle)**

Section 150I—

*omit.*

**16 Amendment of s 151I (Appointments and authority)**

Section 151I(1)(h) to (m)—

*omit.*

**17 Replacement of s 152 (Exemption from toll)**

Section 152—

*omit, insert—*

**152 Exemption from toll**

- (1) This section applies if a fire officer is driving a fire engine or a similar vehicle.
- (2) The fire officer is exempt from payment of a toll for the use by the officer and the vehicle of a road, bridge or ferry.

**18 Amendment of s 152B (Use of unregistered vehicles on roads)**

- (1) Section 152B, heading—

*omit, insert—*

**152B Use of unregistered vehicle on road by rural fire brigade**

- (2) Section 152B(1)(a), 'or an ES unit'—

[s 19]

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*omit.*

- (3) Section 152B(1)(b), ‘or ES unit’—

*omit.*

- (4) Section 152B(1)(b), example—

*omit.*

## **19 Omission of ss 153C and 154C**

Sections 153C and 154C—

*omit.*

## **20 Amendment of s 154E (Regulation-making power)**

Section 154E(2)(b)—

*omit, insert—*

- (b) matters relating to the entitlements, powers, responsibilities and liabilities of fire service officers;

## **21 Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *authorised rescue officer, emergency-related function, emergency service area, ESU function, ESU member, ES unit, ES unit coordinator, ES vehicle, local controller, relevant ES unit, SES, SES coordinator, SES function, SES member, SES unit* and *SES vehicle*—

*omit.*

- (2) Schedule 6, definition *code of practice*, ‘or 147D’—

*omit.*



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## Part 5 **Amendment of Police Service Administration Act 1990**

### 22 **Act amended**

This part amends the *Police Service Administration Act 1990*.

*Note—*

See also the amendments in schedule 1.

### 23 **Amendment of s 2.5 (Administration of staff members)**

(1) Section 2.5(1)—

*insert—*

(d) MRQ members; and

(e) SES members.

(2) Section 2.5(2), ‘in the service’—

*omit, insert—*

in or for the service

### 24 **Amendment of s 4.8 (Commissioner’s responsibility)**

Section 4.8(1)—

*omit, insert—*

(1) The commissioner is responsible for—

(a) the efficient and proper administration, management and functioning of the police service in accordance with law; and

(b) without limiting paragraph (a), the efficient and proper administration, management and functioning of—

(i) Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*; and

[s 25]

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- (ii) the State Emergency Service under the *State Emergency Service Act 2024*.

**25 Amendment of s 5.18 (Appointment of watch-house officers)**

Section 5.18(3), note, from ‘Staff members’ to ‘police officers.’—

*omit, insert—*

Staff members may include persons appointed under the *Public Sector Act 2022* or section 8.3(5) but do not include police officers.

**26 Amendment of s 5A.3 (Persons to whom pt 5A applies)**

Section 5A.3(1)(b)—

*omit, insert—*

(b) a staff member, other than the following persons, whose duties include performing functions in a critical area—

- (i) an MRQ volunteer;
- (ii) an SES local government employee;
- (iii) an SES volunteer; or

**27 Amendment of s 5A.21A (Agreements about counselling and rehabilitation)**

(1) Section 5A.21A(1)—

*omit, insert—*

(1) An eligible member of the service may make a written request to a person prescribed by regulation (a *prescribed person*) for the provision of counselling or rehabilitation about the member’s personal use of alcohol or a drug.

(2) Section 5A.21A(2) and (3), ‘member’—

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*omit, insert—*

‘eligible member’

(3) Section 5A.21A(7)—

*omit, insert—*

(7) In this section—

*eligible member* means a member of the service,  
other than—

- (a) an MRQ volunteer; or
- (b) an SES local government employee; or
- (c) an SES volunteer.

**28 Amendment of s 5AA.3 (Meaning of *engaged by the service*)**

Section 5AA.3(g), after ‘volunteer’—

*insert—*

under section 10.5(6)

**29 Amendment of s 5AA.10A (Information about disciplinary action to be given by chief executive)**

Section 5AA.10A(1)(b), ‘as a member of the service’—

*omit, insert—*

by the service

**30 Amendment of s 10.5 (Civil liability of police officers and others for engaging in conduct in official capacity)**

Section 10.5(6), definition *volunteer*, after ‘decided by the commissioner’—

*insert—*

but does not include an MRQ volunteer or SES  
volunteer

[s 31]

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**31 Insertion of new pt 11, div 17**

Part 11—

*insert—*

**Division 17 Transitional provision for  
Emergency Services  
Reform Amendment Act  
2024**

**11.55 Advising MRQ and SES members engaged  
by service of duties of disclosure etc.**

- (1) This section applies in relation to a person who, on the commencement, is—
  - (a) an MRQ member or SES member; and
  - (b) a staff member engaged by the service within the meaning of section 5AA.3.
- (2) The commissioner must tell the person the things mentioned in section 5AA.5(1)(a)(i) and (ii) and give the person the guidelines mentioned in section 5AA.5(1)(b) as soon as practicable after the commencement.
- (3) However, subsection (2) applies only if the commissioner considers that the terms of the person's engagement by the service require the commissioner to comply with subsection (2).
- (4) Section 5AA.5(1) does not apply to the commissioner in relation to the person other than to the extent mentioned in subsection (2).

**32 Amendment of sch 1 (Relevant information)**

- (1) Schedule 1, heading, Information about staff members, applicants to become staff members, volunteers and students on work experience—

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*omit, insert—*

**Information about staff members, applicants to become staff members, volunteers and students on work experience (but not including MRQ volunteers, SES local government employees or SES volunteers or applicants to become those persons)**

- (2) Schedule 1, before the heading, Persons performing, or seeking to perform, functions for the service under a contract for services—

*insert—*

**Information about MRQ volunteers, SES local government employees and SES volunteers and applicants to become MRQ volunteers, SES local government employees or SES volunteers**

- 1 Information in a database kept by the ACC about the person's criminal history
- 2 Information about—
  - the suspension or cancellation of the person's working with children authority under the *Working with Children (Risk Management and Screening) Act 2000*
  - the issue of a negative notice to the person under the *Working with Children (Risk Management and Screening) Act 2000*.

### **33 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *prescribed responsibility*—

*omit.*

- (2) Schedule 2—

*insert—*

**MRQ member** see the *Marine Rescue Queensland Act 2024*, schedule 1.

**MRQ volunteer** see the *Marine Rescue*

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*Queensland Act 2024*, schedule 1.

***prescribed responsibility*** means the responsibility of the commissioner for the matters mentioned in section 4.8(1)(a) and (b).

***SES local government employee*** means an SES employee under the *State Emergency Service Act 2024* who—

- (a) performs an SES function as an employee of a local government; and
- (b) does not also perform an SES function as an employee of the State.

***SES function*** see the *State Emergency Service Act 2024*, schedule 1.

***SES member*** see the *State Emergency Service Act 2024*, schedule 1.

***SES volunteer***—

- (a) generally—see the *State Emergency Service Act 2024*, schedule 1; and
- (b) for part 5A or schedule 1—does not include a person who also performs an SES function as an employee of the State.

## Part 6 **Amendment of Workers' Compensation and Rehabilitation Act 2003**

### 34 **Act amended**

This part amends the *Workers' Compensation and Rehabilitation Act 2003*.

---

**35 Amendment of s 13 (Particular persons under Disaster Management Act 2003)**

(1) Section 13(2) and (3)—

*omit, insert—*

(2) The contract may cover—

- (a) a person required to give reasonable help under the *Disaster Management Act 2003*, section 77(1)(q) or 112(3)(g); or
- (b) another person performing a function or exercising a power under that Act.

(3) A person covered by the contract is entitled to compensation for injury sustained only while engaged in disaster operations, or participating in an activity arising out of, or in the course of, disaster operations, including training.

(2) Section 13(4), definition *emergency function*—

*omit.*

**36 Insertion of new ss 13A and 13B**

After section 13—

*insert—*

**13A Marine Rescue Queensland volunteer**

- (1) WorkCover may enter into a contract of insurance for this subdivision with the commissioner of the police service in the commissioner's capacity as having responsibility for the administration of Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*.
- (2) The contract may cover an MRQ volunteer under the *Marine Rescue Queensland Act 2024*.
- (3) A person covered by the contract is entitled to compensation for injury sustained only while performing an authorised function, or

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participating in an activity arising out of, or in the course of, performing an authorised function, including training.

(4) In this section—

*authorised function* means an MRQ function under the *Marine Rescue Queensland Act 2024*.

### **13B State Emergency Service volunteer**

(1) WorkCover may enter into a contract of insurance for this subdivision with the commissioner of the police service in the commissioner's capacity as having responsibility for the administration of the State Emergency Service under the *State Emergency Service Act 2024*.

(2) The contract may cover an SES volunteer under the *State Emergency Service Act 2024*.

(3) A person covered by the contract is entitled to compensation for injury sustained only while performing an authorised function, or participating in an activity arising out of, or in the course of, performing an authorised function, including training.

(4) In this section—

*authorised function* means an SES function under the *State Emergency Service Act 2024*.

## **Part 7**

# **Amendment of Working with Children (Risk Management and Screening) Act 2000**

### **37 Act amended**

This part amends the *Working with Children (Risk Management and Screening) Act 2000*.



**38 Amendment of sch 1, s 26 (Person engaged in employment for the police service)**

Schedule 1, section 26—

*insert—*

- (2) However, chapter 7 of this Act does apply to the employment under section 6(1) of—
  - (a) an MRQ volunteer for providing a health service to a child in association with the performance of a function mentioned in the *Marine Rescue Queensland Act 2024*, section 7(1); or
  - (b) an SES local government employee or SES volunteer for providing a health service to a child in association with the performance of a function mentioned in the *State Emergency Service Act 2024*, section 7(1).
- (3) In this section—

***health service*** means a service to which section 6(3), definition *health service*, paragraph (a) applies.

***MRQ volunteer*** see the *Marine Rescue Queensland Act 2024*, schedule 1.

***SES local government employee*** means an SES employee under the *State Emergency Service Act 2024* who—

- (a) performs an SES function as an employee of a local government; and
- (b) does not also perform an SES function as an employee of the State.

***SES volunteer*** means an SES member under the *State Emergency Service Act 2024* who—

- (a) performs an SES function as a volunteer; and

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- (b) does not also perform an SES function as an employee of the State.

## **Part 8                      Other amendments**

### **39      Legislation amended**

Schedule 1 amends the legislation it mentions.

## Schedule 1      Other amendments

section 39

### Civil Liability Regulation 2014

**1      Schedule 1—**

*insert—*

Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*

**2      Schedule 1, entry for The State Emergency Service under the *Fire and Emergency Services Act 1990*—**

*omit, insert—*

the State Emergency Service under the *State Emergency Service Act 2024*

**3      Schedule 2—**

*insert—*

Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*

**4      Schedule 2, entry for The State Emergency Service under the *Fire and Emergency Services Act 1990*—**

*omit, insert—*

the State Emergency Service under the *State Emergency Service Act 2024*

## **Corrective Services Act 2006**

### **1 Section 132A(4), definition *State Emergency Service*—**

*omit, insert—*

*State Emergency Service* means the State Emergency Service under the *State Emergency Service Act 2024*.

## **Industrial Relations Act 2016**

### **1 Section 297(1)(b)(i)—**

*omit, insert—*

- (i) the employee is an SES member under the *State Emergency Service Act 2024* and is absent for the purpose of performing an SES function under that Act in an emergency situation;

## **Nature Conservation (Animals) Regulation 2020**

### **1 Section 30(2), definition *emergency service*, before paragraph (a)—**

*insert—*

- (aa) Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*;

### **2 Section 30(2), definition *emergency service*, paragraphs (aa) to (d)—**

*renumber* as paragraphs (a) to (e).

---

## Payroll Tax Act 1971

### 1 Section 14(2)(k)(ii)—

*omit, insert—*

- (ii) performing SES functions under the *State Emergency Service Act 2024* as an SES volunteer under that Act;

## Police Service Administration Act 1990

### 1 Section 2.5A, ‘*Public Service Act 2008*’—

*omit, insert—*

*Public Sector Act 2022*

### 2 Section 8.3(6)(b), ‘*Public Service Act 2008*’—

*omit, insert—*

*Public Sector Act 2022*

## Police Service Administration Regulation 2016

### 1 Section 66(1)—

*omit, insert—*

- (1) For section 5A.21A(1) of the Act, each of the following persons is prescribed as a person to whom a request for the provision of counselling or rehabilitation may be made under that provision—
  - (a) the ADT coordinator;

- (b) a member of the service approved by the commissioner for this part.

## Public Health Act 2005

### 1 Section 333(1)(d)—

*omit, insert—*

- (d) SES members under the *State Emergency Service Act 2024*;

## Transport Operations (Marine Safety) Regulation 2016

### 1 Section 178(2)(a)—

*omit, insert—*

- (aa) the police service;
- (a) the department in which the *Fire and Emergency Services Act 1990* is administered;

### 2 Section 178(2)(b), ‘the emergency services department’—

*omit, insert—*

the commissioner of the police service

### 3 Section 178(2)(aa) to (c)—

*renumber* as section 178(2)(a) to (d).

**4 Schedule 9, definition *accredited surf life saving club*,  
'the emergency services department'—**

*omit, insert—*

the commissioner of the police service

**5 Schedule 9, definition *emergency services department*—**

*omit.*

## **Transport Operations (Road Use Management—Road Rules) Regulation 2009**

**1 Schedule 5, definition *emergency response vehicle*,  
paragraph (a)(vi)—**

*omit, insert—*

(vi) the State Emergency Service under the *State  
Emergency Service Act 2024*; or

## **Water Supply (Safety and Reliability) Act 2008**

**1 Section 579A(2), definition *prescribed entity*, example,  
third dot point—**

*omit, insert—*

the State Emergency Service under the *State  
Emergency Service Act 2024*

## **Workers' Compensation and Rehabilitation Regulation 2014**

### **1 Schedule 6A, item 5—**

*omit, insert—*

- 5 a member of the State Emergency Service under the *State Emergency Service Act 2024*

### **2 Schedule 6A—**

*insert—*

- 15 a member of Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*

## **Youth Justice Act 1992**

### **1 Section 279A(4), definition *State Emergency Service*—**

*omit, insert—*

*State Emergency Service* means the State Emergency Service established under the *State Emergency Service Act 2024*.

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