



Queensland

# **Disaster Management Legislation (Putting Communities First) Amendment Youth Act 2024**

## **Youth Act No. 4 of 2024**

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**A Youth Bill for a Youth Act to amend the Disaster Management Act 2003, Queensland Reconstruction Authority Act 2011, Fire Services Act 1990 and the State Emergency Service Act 2024 for particular purposes.**

**[Assented to 4 November 2024]**





Queensland

# Disaster Management Legislation (Putting Communities First) Amendment Youth Act 2024

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**The Youth Parliament of Queensland enacts—**

## **Part 1**

### **1 Short title**

This Youth Act may be cited as the *Disaster Management Legislation (Putting Communities First) Amendment Youth Act 2024*.

### **2 Commencement**

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

### **3 Main purposes of Youth Act**

The main purposes of this Youth Act are to—

- (a) amend the *Disaster Management Act 2003* and *Queensland Reconstruction Authority Act 2011* to adjust the links between state and local government, to provide local government a more significant role in disaster recovery; and
- (b) improve collaboration between state and local government; and
- (c) amend rules regarding state of emergency responsibilities; and
- (d) improve community-led disaster arrangements; and
- (e) prioritise individualised community needs in disaster legislation; and
- (ea) allow for prompt declarations of disaster at a local level; and

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- (eb) establish mechanisms for engagement with community stakeholders, including local businesses, non-governmental organisations, and residents, to enhance community preparedness and resilience; and
- (f) introduce a requirement for local governments to establish a opt-in SMS emergency notification system.

## **Part 2**

# **Amendment of Disaster Management Act 2003**

### **4 Act Amended**

This part amends the *Disaster Management Act 2003*.

### **5 Amendment of s 30 (Functions)**

Section 30(d)—

*omit, insert—*

- (d) to identify, and provide advice to State groups and other relevant groups about support services required by the local group to facilitate disaster management and disaster operations in the area;
- (da) to provide reports and make recommendations to state groups and other relevant groups about matters relating to disaster operations;

### **6 Insertion of new s 30A**

After section 30—

*insert—*

#### **30A Local governments relationship with the state**

With regard to its interactions with the state, local

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governments have the following functions—

- (a) to communicate to the state, the resources and support services required by local groups and communities to facilitate disaster management;
- (b) to provide advice to the state government on disaster recovery resources individualized to the communities needs;
- (c) to support the state in provisioning available support by planning with local organisations and other relevant local groups;
- (d) to provide advice and support to the state and make recommendations relating to disaster operations and recovery.

## **7 Insertion of new sdiv 1**

Part 2, division 6—

*insert—*

### **Subdivision 1 Local and Regional Committees**

#### **47A Emergency Management Committees and Disaster Management Groups**

- (1) There is to be a Local Emergency Management Committee for each local government area (each a *local committee*).
- (2) The membership of each local committee is to consist of—
  - (a) the chief executive of the council of the relevant local government area, who is to be the Chairperson; and

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- (b) a senior representative of each emergency services organisation operating in the relevant local government area; and
- (c) a representative of each organisation that—
  - (i) provides services in a functional area or areas in the relevant local government area; and
  - (ii) the council of that area determines from time to time is to be represented on the local committee; and
- (d) the Local Emergency Operations Controller for the relevant local government area; and
- (e) a representative of each organisation that the Minister determines, from time to time, is to be represented on the local committee.

#### **47B Functions of Local Emergency Management Committees**

- (1) A local committee is responsible for the preparation and review of plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the local government area for which it is constituted.
- (2) The committee may exercise the following functions necessary to—
  - (a) give effect to and carry out emergency management policy and practice, consistent with information on that policy and practice disseminated by the State group;
  - (b) review and prepare plans in respect of the relevant local government area that are, or are proposed to be, subplans or supporting plans established under the State Emergency Management Plan;



- (c) make recommendations about and assist in the co-ordination of training in relation to emergency management in the relevant local government area;
  - (d) develop, conduct and evaluate local emergency management training exercises;
  - (e) facilitate local level emergency management capability through inter-agency co-ordination, co-operation and information sharing arrangements.
- (3) In the exercise of its functions, the local committee is responsible to the local government disaster management group for the local government area.

#### **47C Regional Emergency Management Committees**

- (1) There is to be a Regional Emergency Management Committee for each region (each a *regional committee*).
- (2) The membership of each regional committee is to consist of the following—
  - (a) the Regional Emergency Operations Controller for the relevant region, who is to be the Chairperson;
  - (b) the Chairperson of each local committee within the relevant region;
  - (c) a senior representative of each emergency services organisation operating in the relevant region;
  - (d) a representative of each organisation that—
    - (i) provides services in a functional area or areas in the relevant region; and

[s 7]

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- (ii) the Minister determines from time to time is to be represented on the Committee.
- (3) For (2)(c), a representative of an emergency services organisation is to be nominated by the organisation, in accordance with arrangements determined by the Minister.

#### **47D Functions of Regional Emergency Management Committees**

- (1) A regional committee is responsible for preparing and reviewing plans in relation to the prevention of, preparation for, response to and recovery from emergencies in the region for which it is constituted in collaboration with local governments.
- (2) Without limiting (1), a regional committee may exercise any functions necessary to—
  - (a) review and monitor emergency management policy and practice across the region; and
  - (b) review and prepare plans in respect of the region that are, or are proposed to be, sub-plans or supporting plans established under the State Emergency Management Plan; and
  - (c) make recommendations about and assist in the co-ordination of training in relation to emergency management across the region; and
  - (d) develop, conduct and evaluate regional emergency management training exercises; and
  - (e) facilitate regional level emergency management capability through

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- inter-agency co-ordination, co-operation and information sharing arrangements; and
- (f) carry out such other functions as are—
- (i) related to this Act; and
  - (ii) assigned to a regional committee, or to regional committees generally, from time to time by the State group.
- (3) In the exercise of its functions, a regional committee is responsible to the regional disaster management group for the region.

## **8 Amendment of s 48 (Committees)**

Section 48—

*insert—*

- (4) For the avoidance of doubt, the powers granted to the Minister in this section are taken to apply to the committees established under sections 47A and 47D.

## **9 Amendment of s 55 (Reviewing and renewing plan)**

Section 55(2)—

*omit, insert—*

- (2) However, the group must review the effectiveness of the plan at least quarterly with input from the community.
- (3) Upon the commencement of the review, the chief executive must give notice of the review by gazette notice, identifying—
- (a) the district which is conducting the review; and
  - (b) how communities within the district may contribute to the review; and

[s 9A]

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- (c) any timeframes relevant to the conduct of the review.
- (4) This review must be accompanied by the Disaster Group Disaster Management Plan report (*the report*).
- (5) The report must—
  - (a) be completed at the end of each quarter; and
  - (b) be given to the Minister to be tabled in the Legislative Assembly, within 14 days after it is received by the Minister.
- (6) The report must include—
  - (a) an assessment of the disaster management plan and resources available to support its implementation; and
  - (b) an examination of disaster management recovery and mitigation, including views of the community within the district; and
  - (c) a review of the programs and activities of public authorities within the district, and any support of the private sector related to disaster management within the district; and
  - (d) an examination of trends in disaster management and of the costs and benefits of the disaster management plan, relevant to the district; and
  - (e) any general recommendations for legislative or other government action which the district considers appropriate to discharge its responsibilities.

**9A Replacement of pt 3, div 3, hdg**

Part 3, division 3, heading

*omit, insert—*

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## **Division 3      Local disaster management plans**

### **9B      Amendment of s 57 (Plan for disaster management in local government area)**

(1) Section 57, heading—

*omit, insert—*

#### **Local disaster management plan**

(2) Sections 57(1) and 57(2)(a), ‘local government’s’—

*omit, insert—*

local group’s

(3) Sections 57(1)(g), ‘local government’—

*omit, insert—*

local group’s

### **10      Replacement of s 58 (Requirements of plan)**

Section 58—

*omit, insert—*

#### **58 Requirements of plan**

- (1) A local disaster management plan must be consistent with the disaster management standards and disaster management guidelines.
- (2) The plan must consider the resources and needs of the specific community.
- (3) The plan must—
  - (a) state the ways of management at all stages of disaster recovery; and
  - (b) outline the plan for communities to rebuild and recovery effectively and individually.

[s 11]

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## **11 Amendment of s 59 (Reviewing and renewing plan)**

Section 59(2)—

*omit, insert—*

- (2) A local group must review the effectiveness of the plan at least quarterly.
- (3) As part of the review, the local group must consider input from the community and public.
- (4) When taking input on the plan the local disaster coordinator must—
  - (a) publish a gazette notice, advising of the yearly review, and provide information on how interested members of the community can provide input; and
  - (b) otherwise make known to the community that the review is being undertaken.
- (5) The local group must make a range of inclusive methods available for input, including the use of community forums.
- (6) When making decisions on amendments to the plan, in line with the review, the local group must consider community views.

## **11A Replacement of ss 60–62**

Sections 60 to 62—

*omit, insert—*

### **60 Plan to be available for inspection etc.**

- (1) A local group must ensure a copy of its local disaster management plan is available for inspection, free of charge, by members of the public—
  - (a) on the website of the police service; and

- (b) at other places the local disaster coordinator considers appropriate.
- (2) The group must, on payment of the appropriate fee, give a person a copy of the plan.
- (3) In this section—  
*appropriate fee* means the fee, decided by the local disaster coordinator, that is no more than the reasonable cost of providing the copy.

**11B Amendment of s 63 (Guidelines about disaster management plans)**

- (1) Sections 63(1), (2)(c) and (3)(c), ‘local government’—  
*omit, insert—*  
local group
- (2) Sections 63(2)(c) and (3)(c), ‘local governments’  
*omit, insert—*  
local groups

**11C Amendment of pt 5, hdg**

- Part 5, heading, ‘local government’—  
*omit, insert—*  
local groups

**11D Amendment of s 80 (Functions of local government)**

- (1) Section 80, heading, ‘local government’—  
*omit, insert—*  
local groups
- (2) Sections 80(1) and (1)(d), ‘local government’—  
*omit, insert—*

[s 12]

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local group

- (3) Section 80(2), definition disaster response capability, ‘local government’, both occurrences—

*omit, insert—*

local group

- (4) Section 80(2), definition disaster response capability, ‘local government’s’—

*omit, insert—*

local group’s

**12 Amendment of s 64 (Declaration)**

Section 64(1), ‘, with the approval of the Minister,’—

*omit.*

**13 Amendment of s 65 (Form and notice of declaration)**

Section 65(2)(a)—

*omit.*

**14 Amendment of s 65 (Form and notice of declaration)**

Section 65(3)—

*omit, insert—*

- (3) As soon as practicable after the disaster situation is declared, the district disaster coordinator must give notice of the declaration by gazette notice.

**15 Amendment of s 65 (Form and notice of declaration)**

Section 65(4)—

*insert—*



- (c) where a declaration is made without the approval of the Minister, justification of making a declaration before receiving approval from the Minister, including information on the perceived prevention of loss or damage.

**16 Amendment of s 80 (Functions of local group)**

Section 80(1)—

*insert—*

- (aa) to declare a state of disaster;

**17 Amendment of s 80 (Functions of local group)**

Section 80(2), from '*disaster response capability*'—

*omit, insert—*

, for a local group, means—

- (a) the ability to provide equipment and a suitable number of persons; and
- (b) using the resources available to the local group; and
- (c) openly communicating with the community in the local group area; and
- (d) ensuring resources are easily accessible for people in the local group area; and
- (e) individualising resources to people in the community of the local group, to support them, to effectively deal with, or help another entity to deal with, an emergency situation or a disaster in the local group's area.
  - (i) engaging and consulting with the community; and

[s 17A]

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- (ii) providing training and resources to the community to assist in the implementation of recovery and mitigation techniques.

## **17A Insertion of new pt 6**

After section 80—

*insert—*

# **Part 6                      Functions of local governments**

## **80A Disaster management functions of local government**

- (1) Local governments must perform, in cooperation with disaster management groups and the community, the following functions concerning a disaster—
  - (a) the provision and management of places of refuge and evacuation centres;
  - (b) waste management;
  - (c) recovery and maintenance of local government infrastructure and properties;
  - (d) coordination and support of local community organisations assisting in a disaster;
  - (e) any other function that the Minister provides to a local government with their agreement.
- (2) A function relating to disaster management not mentioned in subsection (1) is a function of the State to be performed by disaster management groups.

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## Part 3 **Amendment of Queensland Reconstruction Authority Act 2011**

### 18 **Act Amended**

This part amends the *Queensland Reconstruction Authority Act 2011*.

### 19 **Amendment of s 10 (Authority's functions)**

Section 10—

*insert—*

- (3) In exercising its functions, the Authority must prioritise people in communities affected by disasters, including their protection and saving.
- (4) In fulfilling the requirement under (3), the Authority must give regard to the following factors—
  - (a) the impact of climate change on the affected communities and work required to mitigate future disasters;
  - (b) ensuring Queensland and its communities are given a sufficient amount of recovery time, and the correct and necessary resources to do so;
  - (c) working with communities to create specific disaster management recovery and mitigation techniques and ensure they are—
    - (i) consulting with local governments on the resources that are required for their community; and
    - (ii) engaging and consulting with to the community.

[s 19A]

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## 19A Insertion of s 81A

After section 81—

*insert—*

### **81A Local government to consult on reconstruction projects**

- (1) A local government considering a proposal for a reconstruction project must conduct a public poll to consult with the community.
- (2) In conducting the poll, the local council must ensure that—
  - (a) that the poll is available on the website of the local government conducting it for a reasonable period of time; and
  - (b) the poll allows for none, multiple and all design options available to be selected by a participant in the poll; and
  - (c) conduct the poll using a system prescribed by regulation.
- (3) Nothing in this section requires a local government to—
  - (a) approve, proceed with, not approve or not proceeding with a particular reconstruction project; or
  - (b) have regard to the poll.
- (4) In this section—

***design proposal*** means a plan or other proposal for a development or other project.

***reconstruction project*** means a development or other project that directly supports the redevelopment or otherwise rebuilding of a community impacted by disaster.

***development or other project*** includes building, purchasing, or otherwise constructing a physical

object.

## 20 Insertion of new pt 10A

After section 138—

*insert—*

# Part 10A      Emergency Notification System

## 138A Police service to establish system

- (1) The police service must establish and maintain a system capable of sending localised emergency notifications via SMS to residents within all local government areas (the *system*).
- (2) Residents of a local government area must be automatically enrolled into the system.
- (3) However, a system must provide options for residents to opt out of the system.
- (4) The police service must—
  - (a) take reasonable steps to promote awareness and the benefits of the system; and
  - (b) provide instructions on how residents of a local government area can opt-out of the system.

## 138B Use of system

- (1) The system may be used by a local government to notify residents of imminent threats to life or property within the local area, including—
  - (a) a severe weather event; or
  - (b) a fire; or
  - (c) a chemical spill; or

[s 20]

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- (d) disasters; or
  - (e) major road closures; or
  - (f) major infrastructure outages; or
  - (g) police incidents.
- (2) The SMS notifications must provide concise details about the nature of the emergency and any protective actions the recipient should take.
  - (3) Notifications are to be confined to the geographic area affected by the emergency event.

### **138C Community inclusion with system**

- (1) In operating the system, the police service must take reasonable steps to ensure equal access and availability to all resident populations, including those with disabilities or special needs.
- (2) Notifications must be available in all commonly spoken languages, which residents of an area may select when opting into receiving messages.

### **138D State's obligations regarding system**

- (3) The Authority may conduct audits and review the effectiveness of local emergency SMS notification capabilities as part of broader emergency preparedness.

### **138E Police service report on system**

- (1) The police service must provide a report to the chief executive of the Authority annually regarding the operational status and use of the system.
- (2) A report must include, but is not limited to, the following items—
  - (a) the number of subscribers;

- (b) geographic coverage;
- (c) languages utilised;
- (d) dates and details of emergency notifications sent in the reporting year;
- (e) effectiveness and community feedback;
- (f) technical issues or limitations encountered;
- (g) a summary of feedback from consultation and reviews;
- (h) information on any changes implemented arising from public consultation and feedback;
- (i) a summary of training programs and outreach services delivered;
- (j) a summary of initiatives and campaigns aimed to increase awareness and inform about disaster and emergency management;
- (k) a summary of upgrades completed, and future upgrades required to the notification system infrastructure;
- (l) summary of expenditures related to the operation, maintenance and enhancement of the system;
- (m) budget allocation and expenditure breakdown for emergency communication initiatives and projects;
- (n) summary of personnel data, including full time equivalent and headcount figures, and rankings of personnel against the relevant industrial award.

### **138F Engagement and feedback**

- (1) The police service must engage in regular consultation with community stakeholders,

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including residents, community organisations and businesses, to assess the effectiveness of the emergency notification system.

- (2) The police service must—
- (a) establish mechanisms for public participation in the development and review of emergency communication strategies and protocols; and
  - (b) conduct public forums to gather input on emergency preparedness and response efforts; and
  - (c) ensure transparency in the operation of notification system by publishing reports on system performance, including response times and effectiveness, in addition to annual reporting requirements under section 138G; and
  - (d) implement feedback mechanisms, such as surveys, focus groups, and online platforms, to gather community input on the clarity, timeliness, and relevance of emergency notifications; and
  - (e) use collected feedback to adjust communication strategies and improve the overall effectiveness of the notification system.



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## **Part 4**                      **Miscellaneous amendments**

### **Division 1**                      **Amendment of Fire Services Act 1990**

#### **21**      **Act amended**

This division amends the *Fire Services Act 1990*.

#### **22**      **Amendment of s 2A (How objects are to be achieved)**

Section 2A(b), after ‘the State’—

*insert—*

, recognised through the creation and ongoing maintenance of a volunteer charter for Rural Fire Service Queensland, in collaboration with the Rural Fire Brigades Association of Queensland.

### **Division 2**                      **Amendment of State Emergency Service Act 2024**

#### **23**      **Act amended**

This division amends the *State Emergency Service Act 2024*.

#### **24**      **Amendment of s 23 (Establishment of SES units)**

Section 23, ‘local government area’, each occurrence—

*omit, insert—*

local disaster area

#### **25**      **Amendment of s 24 (Local controller of SES unit)**

Section 24(3)

[s 25]

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*omit, insert—*

- (3) The commissioner may appoint an SES member as the local controller for an SES unit for a local government area only if the commissioner is satisfied the member has the necessary expertise or experience to perform the functions of a local controller.