

# Direction about the exercise of powers under other Acts during a disaster situation



This form is in accordance with Section 9 of the *Disaster Management Act 2003*.

**This form is to be completed by the chairperson of the State Disaster Management Group or a relevant District Disaster Coordinator for the disaster situation**

A disaster situation has been declared for:

Disaster District/s, part of a Disaster District, the State or part of the State:	
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The disaster situation remains in force until the following time and date:	
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*(NB: unless ended sooner or extended by regulation)*

Other Act which is the subject of the direction:	
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Powers under other Act which are the subject of the direction: (Note 1)  <i>(Please attach powers if the space provided is not adequate)</i>	

Direction given:  (Note 2)	

Conditions on the direction (if applicable):  (Note 3)	

Please complete Part A and B as relevant.

**PART A:**

**Direction to be given to a class of persons** (Note 4)

<b>Class of persons:</b>  e.g. ambulance officers below Assistant Commissioner level	

**PART B:**

**Direction to be given to individual/s**

Full name of individual/s to be directed:  <i>(attach a sheet with further names if necessary)</i>	

Please tick when completed:

I have taken reasonable steps to consult with the chief executive of the department/s or other agencies in which the other Act/s is/are administered.	<input type="checkbox"/>
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(Note 5)

Feedback from consultation (if applicable):	

Signature:	
Printed name:	
Position:	
Date and time:	

*Retain a copy of this form for your records and send the original to the State Disaster Coordination Centre on Fax: 3357 4682*

**Guidelines for completing a direction about the exercise of powers under other Acts during a disaster situation form DM1**

**General**

In accordance with section 9 of the *Disaster Management Act 2003* the chairperson of the State Disaster Management Group, or a relevant District Disaster Coordinator for the disaster situation, may give directions about the circumstances in which a power under another Act may be exercised during the period of the disaster situation.

These directions may only be given to the person who may exercise the power under the Act, and only if it is necessary for effective management of the disaster for which the disaster situation is declared.

The chairperson or relevant District Disaster Coordinator must not give directions about the way in which the power may be exercised.

This does not apply to the *Police Powers and Responsibilities Act 2000* or chemical, biological and radiological emergency powers under the *Public Safety Preservation Act 1986*.

**Note 1**

Specify the power to be directed.

e.g. the power to prohibit, regulate or control the movement of animals of a species or class specified in the notice or of any animal produce, animal pathogen or biological preparation thereof or therefrom.

**Note 2**

Specify the direction about the power.

e.g. to delay exercising this power.

**Note 3**

Section 9 (5)(b) provides that directions may be given on conditions. Therefore this part of the form is to enable conditions to be placed on the direction about the exercise of powers under other Acts.

e.g. the direction only applies to the exercise of the above power on 5 March 2005.

**Note 4**

Section 9(5)(a) specifies that directions may be general or limited to a particular class of persons.

Therefore, in this part of the form it is necessary to specify whether a direction is to be given to a general class of persons, or a particular type of person/position within that class.

**Note 5**

Section 9(7) provides that a failure to consult with the chief executive of the department of other agency in which the Act is administered does not affect the validity of the direction.