

The Disaster Management Act 2003



Compensation, Insurance and Protection from Liability

The DM Act provides a mechanism to claim compensation for loss or damage resulting from the exercise of powers in the DM Act. The DM Act also extends private insurance policies to cover damage caused by responders in a disaster or emergency situation.

The DM Act maintains a similar level of protection for the State, Local Government, Community Councils and their employees and volunteers from liability as the SCDO Act. This will enable decisive action to protect community safety and security.

The DM Act is available at: <http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2003/03AC091.pdf>

For more information see
<http://www.disaster.qld.gov.au/> or contact
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**Queensland
Government**

Department of
Emergency Services



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Background

During 2002-03 the Department of Emergency Services (DES) undertook a comprehensive review of the *State Counter-Disaster Organisation Act 1975* (SCDO Act) in consultation with a wide range of stakeholders. The review resulted in the development of the *Disaster Management Act 2003* (the DM Act).

The DM Act will commence on 31 March 2004. Until this time, the SCDO Act will remain in operation.

The DM Act maintains many elements of the existing system established under the SCDO Act, while adding contemporary elements such as a focus on comprehensive disaster management, which includes disaster mitigation, prevention, preparedness, response and recovery.

DES will conduct an extensive education process for stakeholders throughout Queensland commencing in February 2004.

Disaster Management

The DM Act requires the establishment of disaster management groups and requires the preparation of disaster management plans at three levels:

- The State Group;
- District Groups; and
- Local Groups (for individual or combined Local Governments and Community Councils).

Guidelines to assist the development of plans will be prepared in early 2004.

The DM Act replaces the term “state of disaster”, with “disaster situation”. A disaster situation may be declared for any area of the State. As with the SCDO Act, declarations of Natural Disaster Relief Arrangements (NDRA) are not dependent on declarations of a disaster situation.

The DM Act enables declarations and powers under this and other Acts to be exercised at the same time, and provides a mechanism to resolve any conflicts in the case of a declared disaster situation.

Volunteers

The DM Act maintains the membership of the State Emergency Service (SES) and provides for its functions, for example to perform search, rescue and disaster related activities.

Additionally, the DM Act enables the establishment, in consultation with the local community, of volunteer Emergency Service (ES) units to perform rural fire, SES and first aid in rural and remote areas, through one integrated unit. These units would provide a more efficient option for the delivery of volunteer emergency services.

The DM Act provides DES volunteers with protection from unfair dismissal when undertaking emergency response, where their absence is reasonable.

